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BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PERMITTING  
AND ENFORCEMENT COMMITTEE

IN THE MATTER OF THE: )  
 )  
PERMITTING AND ENFORCEMENT )  
 COMMITTEE MEETING )  
 )

DATE AND TIME: TUESDAY,  
JANUARY 7, 1997 10:55 A.M.

PLACE: BOARD HEARING  
ROOM  
  
8800 CAL  
CENTER DRIVE  
SACRAMENTO,  
CALIFORNIA

REPORTER: BETH C.  
DRAIN, RPR, CSR  
CERTIFICATE  
NO. 7152

BRS FILE NO.: 37292

APPEARANCES

MR. ROBERT C. FRAZEE, CHAIRMAN  
MR. DANIEL G. PENNINGTON, MEMBER  
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER MS. KATHRYN  
TOBIAS, LEGAL COUNSEL

MS. LORI LOPEZ, COMMITTEE SECRETARY

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1 SACRAMENTO, CALIFORNIA; TUESDAY, JANUARY 7, 1997

2 10:55 A.M.

3  
4 (A JOINT MEETING OF THE STATE WATER  
5 RESOURCES CONTROL BOARD AND CALIFORNIA INTEGRATED  
6 WASTE MANAGEMENT BOARD WAS HELD AND REPORTED AND  
7 BOUND UNDER SEPARATE COVER. THE ROLL CALL FOR THE  
8 PERMITTING AND ENFORCEMENT COMMITTEE WAS TAKEN  
9 DURING THE JOINT MEETING. THE COMBINED MEETING  
10 WAS THEN RECESSED AND THE PERMITTING AND  
11 ENFORCEMENT COMMITTEE AGENDA WAS THEN HEARD AS  
12 FOLLOWS: )  
13

14 CHAIRMAN FRAZEE: MEETING WILL COME TO  
15 ORDER AGAIN, PLEASE. THOSE IN THE BACK OF THE  
16 ROOM WOULD PLEASE TAKE YOUR SEATS. THIS NOW IS A  
17 CONTINUATION OF THE PERMITTING AND ENFORCEMENT  
18 COMMITTEE'S JANUARY MEETING. WE'VE ALREADY HAD  
19 THE ROLL CALL.

20 IS THERE ANY EX PARTE COMMUNICATIONS  
21 THAT NEED TO BE DISCLOSED?

22 MEMBER PENNINGTON: NO, I DON'T HAVE ANY.

23 MEMBER RELIS: I JUST WOULD NOTE I HAD A  
24 MEETING WITH NORCAL REPRESENTATIVES YESTERDAY.  
25 HAVEN'T HAD TIME TO COMPLETE THE EX PARTE ON THAT,

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1           ON ITEM 6 AND 7, CONCERNING THEIR TWO PERMIT  
2           ISSUES.

3                   CHAIRMAN FRAZEE:    OKAY.   AND THEN I HAD A  
4           CONVERSATION WITH PETER ROONEY, THE UNDERSECRETARY  
5           OF CAL/EPA, AND ALSO BRIEFLY WITH CHUCK WHITE FROM  
6           WMX TECHNOLOGIES REGARDING THE ASH REGULATION, THE  
7           ISSUE THAT WILL BE ON OUR AGENDA TODAY.

8                   AT THIS TIME I THINK WE'LL GO TO THE  
9           EXECUTIVE DIRECTOR, MR. CHANDLER, FOR AN UPDATE  
10          REPORT.

11                   MR. CHANDLER:    YES, THANK YOU, MR.  
12          FRAZEE, MEMBERS.   BEFORE WE GO INTO THE AGENDA  
13          SPECIFIC, I THINK IT WOULD BE APPROPRIATE IF I  
14          JUST TOOK A FEW MINUTES AND ASKED STAFF TO REPORT  
15          ON THE STATUS OF THE FLOOD SITUATION AS IT RELATES  
16          TO REALLY THE ROLES AND RESPONSIBILITIES THAT TWO  
17          DIVISIONS PLAY CONCURRENTLY.   FIRST, WITH OUR  
18          PERMITTING AND ENFORCEMENT DIVISION, MIKE WOCHNICK  
19          WILL COME FORWARD AND GIVE A BRIEF OVERVIEW OF THE  
20          STATUS OF SOME OF THE FACILITIES THAT WERE  
21          IMPACTED AND THE WORK WE'RE DOING WITH THE LEA'S  
22          IN RESPONSE TO THE FLOODS.   AND THEN I'D LIKE TO  
23          CALL ON LLOYD DILLON, WHO IS OUR DISASTER COORDI-  
24          NATOR WORKING WITH OES ON SOME OF THE COMMUNICA-  
25          TIONS WE'RE HAVING WITH THE LOCAL OFFICIALS

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1           THROUGHOUT THE STATE.

2                       SO, MIKE, IF YOU'RE PREPARED, IF YOU  
3           COULD BE BRIEF, BUT GIVE AN OVERVIEW OF WHAT YOU  
4           FOUND OVER THE LAST FEW DAYS IN CONSULTATION WITH  
5           LEA'S AND LOCAL JURISDICTIONS.

6                       MR. WOCHNICK:   THANK YOU, RALPH.   MR.  
7           CHAIRMAN, MEMBERS OF THE COMMITTEE, WE DID DO A  
8           SURVEY OF THE LEA'S YESTERDAY FOR THE 41 COUNTIES  
9           THAT HAVE BEEN DECLARED DISASTER AREAS FOR FINDING  
10          OUT WHAT PROBLEMS WITH THE SOLID WASTE SYSTEM THEY  
11          HAD, AND THE VAST MAJORITY THERE WERE NO PROBLEMS.  
12          EVERYTHING WORKED FINE.   THERE WAS NO FLOODING  
13          DAMAGE.

14                      OF COURSE, THOSE AREAS THAT WERE  
15          FLOODED, THERE HAVE BEEN SUSPENSION OF COLLECTION  
16          SERVICE, WHICH IS, YOU KNOW, EXPECTED.   BUT THAT  
17          WAS MAINLY THE ONLY -- OTHER THAN IN SIX COUNTIES  
18          THEY DID REPORT SOME MOSTLY MINOR DAMAGE.   DEL  
19          NORTE HAD SOME MAJOR DAMAGE, SOME EARTH WORK AT  
20          THE CRESCENT CITY LANDFILL.   THAT'S REPAIRABLE.  
21          HUMBOLDT HAD ONE ISOLATED 40-BIN SITE WAS CLOSED.  
22          THAT WAS THEIR ONLY DAMAGE THERE.

23                      MENDICINO COUNTY, THE WILLETS  
24          LANDFILL WAS UNACCESSIBLE FOR A FEW DAYS UP TO  
25          JANUARY 3D, BUT IT'S ACCESSIBLE NOW.   THERE'S NO

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1           DAMAGE AT THE LANDFILL, BUT JUST COULDN'T GET THE  
2           TRUCKS THERE.

3                       IN NEVADA COUNTY THE WASHINGTON  
4           TRANSFER STATION IS CLOSED BECAUSE OF BRIDGE  
5           DAMAGE TO THE SITE, AND THE COUNTY HAS PUT IN  
6           TEMPORARY BINS ON THE ACCESSIBLE SIDE OF THE  
7           BRIDGE TO COLLECT THE TRASH THERE.

8                       IN SONOMA COUNTY THE CENTRAL  
9           LANDFILL HAD EXCESS LEACHATE, BUT THEY HAD NO  
10          BREACH OF THEIR PONDS, SO IT WAS ABLE TO HANDLE  
11          THAT.   AND THE HILLSBOROUGH TRANSFER STATION  
12          OVERFLOWED OF GRAY WATER TANKS, BUT THEY HAVE  
13          BEEN  
14          PUMPED OUT AND TAKEN TO THE SEWAGE TREATMENT  
15          PLANT  
16          FOR TREATMENT.

17                      AND THE ONLY COUNTY THAT HAD MORE  
18          SIGNIFICANT DAMAGE WAS IN STANISLAUS COUNTY  
19          WHERE  
20          THREE FACILITIES ARE AT LEAST PARTIALLY FLOODED.  
21          THAT'S THE BONZI SANITARY LANDFILL, MODESTO  
22          DISPOSAL TRANSFER STATION, AND THE GILTON  
23          RESOURCE  
24          RECOVERY COMPOST FACILITY.

25                      THE BONZI LANDFILL IS -- ONLY  
26          TAKES

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22               INERT WASTE, AND THAT HAS BEEN TRANSFERRED TO  
23               ANOTHER LANDFILL IN THE AREA.   THE DISPOSAL --  
THE  
24               MODESTO DISPOSAL TRANSFER STATION, THEIR COMPANY  
25               IS USING OTHER TRANSFER STATIONS THEY HAVE IN  
THE

1 AREA, AND THEY WERE ABLE TO REMOVE ALL THE TRASH  
2 FROM THE TRANSFER STATION PRIOR TO IT BEING  
3 FLOODED.

4 UNFORTUNATELY, WITH THE COMPOST  
5 FACILITY, THE EXPECTATION IS THAT MOST OF THE  
6 COMPOST IS NOW FLOATING DOWNSTREAM SOMEWHERE.  
7 THAT GOT FLOODED. BUT OTHER THAN THAT, THAT WAS  
8 THE EXTENT OF THE DAMAGE. SOME OF THE LEA'S HAVE  
9 INFORMED US THAT THEY WILL PROBABLY HAVE TO INVOKE  
10 THE WAIVER OF STATE MINIMUM STANDARDS IN PART OF  
11 THE EMERGENCY REGULATIONS, AND MOSTLY THOSE WILL  
12 HAVE TO DO WITH HOURS OF OPERATION WITH FACILITIES  
13 AND THEN DAILY TONNAGE LIMITS. OTHER THAN THAT,  
14 EVERYTHING SEEMS TO BE HOLDING UP FINE.

15 CHAIRMAN FRAZEE: OKAY.

16 MR. DILLON: GOOD MORNING. THANK YOU.  
17 I'M LLOYD DILLON OF THE BOARD'S OFFICE OF LOCAL  
18 ASSISTANCE AND THE BOARD'S DESIGNATED DISASTER  
19 COORDINATOR. I'D LIKE TO TAKE JUST A FEW MINUTES  
20 TO TELL YOU HOW WE WORK AS A TEAM IN GETTING THIS  
21 INFORMATION TOGETHER AND PASSING IT ALONG.

22 WE ESTABLISHED AN INTERNAL COMMAND  
23 AND CONTROL SYSTEM IN 1994, WHICH IDENTIFIES  
24 CERTAIN TASKS AND RESPONSIBILITIES FOR THIS TEAM  
25 TO DO, AND IT DELEGATES POINT OF CONTACT FOR THE

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1 BOARD FOR OES AND OTHER AGENCIES. THE TEAM IS PUT  
2 TOGETHER WITH STAFF FROM BOTH THE MARKETS AND  
3 PERMITS DIVISION MAINLY. WE DO GET SUPPORT  
4 SERVICES FROM ADMIN DIVISION AND THE OTHER OFFICES  
5 AS WE REQUEST IT. AND ALL COMMUNICATIONS GO  
6 THROUGH ME AND THESE COORDINATORS, THESE DIVISION  
7 COORDINATORS, SO WE DO HAVE A PRETTY COMPETENT  
8 FLOW OF INFORMATION SOURCES.

9 ONE OF THE THINGS WE DID, AND MIKE  
10 MENTIONED, THERE WAS THE DISASTER WAIVER REGS. WE  
11 GOT THOSE PASSED THIS LAST YEAR IN 1996. THOSE  
12 ALLOW THE LEA'S TO GIVE A WAIVER UNDER CERTAIN  
13 PERMITTED CONDITIONS OF PERMITTED LANDFILL  
14 OPERATORS OR OTHER OPERATORS TO, LIKE MIKE SAID,  
15 INCREASED HOURS OF OPERATION, INCREASED TONNAGE  
16 JUST FOR THE DISASTER RECOVERY, THE DISASTER WORK  
17 ITSELF. THOSE ARE FOR A PERIOD OF TIME AND UNDER  
18 CERTAIN CONDITIONS THE LEA HAS CONTROL. THIS  
19 ELIMINATES THE NEED FOR THE BOARD TO HOLD A  
20 SPECIAL MEETING AND PASS EMERGENCY REGULATIONS IN  
21 THE EVENT OF EACH AND EVERY DISASTER. THESE ARE  
22 JUST ONGOING.

23 WE DO ALSO PARTICIPATE WITH  
24 CAL/EPA'S ERAC GROUP. THAT'S THE EMERGENCY  
25 RESPONSE ACTION COMMITTEE GROUP. WE MEET

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1 QUARTERLY TO SHARE INFORMATION, VARIOUS PROCESSES  
2 THAT EACH OF THE CAL/EPA'S DEPARTMENTS AND BOARDS  
3 HAVE, OUR CONTACTS, MAKE SURE THEY'RE UP-TO-DATE  
4 AND THE LISTS ARE UP-TO-DATE, AND ANY ONGOING WORK  
5 WE DO SO WE CAN SHARE THAT AND BETTER COMMUNICATE  
6 THROUGHOUT THE WHOLE CAL/EPA SYSTEM, AND THAT ALSO  
7 HELPS IN OUR COMMUNICATION WITH OES AND THE OTHER  
8 DEPARTMENTS TOO.

9 DURING A DISASTER, WE'RE CONTACTED  
10 BY OES AS A SOURCE OF INFORMATION, NOT AS A  
11 RESPONDER TO THE INCIDENT AS IT IS. AND WE REALLY  
12 GET INVOLVED IN WHAT'S CALLED THE RECOVERY PHASE  
13 AFTER, YOU KNOW, THE EVACUATIONS AND THE SAVING OF  
14 LIFE AND ANIMALS AND EVERYTHING ELSE. THEN WHEN  
15 THE WATERS RECEDE, AS IN THESE FLOODS, THEN WE  
16 ENTER THE RECOVERY PHASE. WE PROVIDE THEM INFOR-  
17 MATION ABOUT LANDFILL ACCESSIBILITY, INCLUDING  
18 CLOSURES, ACCESS TROUBLES, RESOURCE NEEDS, AND  
19 OTHER THINGS WHICH MIKE IDENTIFIED THERE. WE

ALSO

20 PROVIDE INFORMATION ON DIVERSION ACTIVITIES TO  
21 OES, IDENTIFYING WHERE OTHER ACTIVITIES ARE GOING  
22 ON THAT THEY CAN TAKE SOME OF THE WASTE RATHER  
23 THAN JUST TO A LANDFILL.

24 WE STAY IN CONSTANT CONTACT WITH

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OES

25

AND DEPARTMENT OF TOXIC SUBSTANCES CONTROL

1           THROUGHOUT THE DISASTER, NOT JUST IN THE RECOVERY  
2           PHASE, BUT THROUGHOUT THE THING TO STAY APPRISED  
3           OF WHAT'S GOING ON AND PROVIDE THEM ANY INFORMA-  
4           TION THEY NEED.

5                         WE ALSO SEND OUT EMERGENCY  
6           ADVISORIES TO THE LOCAL SOURCE REDUCTION/RECYCLING  
7           COORDINATORS, THE HOUSEHOLD HAZARDOUS WASTE  
8           COORDINATORS, AND TO THE LOCAL ENFORCEMENT AGENTS.  
9           THE SOURCE REDUCTION ADVISORY REMINDS THEM THAT  
10          ALL DISASTER GENERATED WASTE DOES NOT HAVE TO GO  
11          TO A LANDFILL. AND TO DO THAT, WE PROVIDE THEM  
12          LISTS. IN THE ADVISORY WE HAVE LISTS FOR CARPET,  
13          SHEETROCK, WOOD, GLASS, TEXTILES, EVERYTHING THAT  
14          MIGHT BE THERE. WE HAVE THAT AVAILABLE ON OUR  
15          HOTLINE. WE PROVIDE THAT INFORMATION, WE PROVIDE  
16          DATA, WE PROVIDE PHONE NUMBERS, WE PROVIDE  
17          CONTACTS THAT THEY MIGHT NEED LOCALLY.

18                        WE ALSO PROVIDE OES AND FEMA  
19          NUMBERS. THE LOCALS NEED TO CONTACT OES TO GET  
20          INTO THE SYSTEM FOR RESOURCES, FOR ASSISTANCE,

AND

21          FOR PARTICULAR FUNDING OF THEIR OPERATIONS, OR  
22          REIMBURSEMENT OF FUNDS THAT THEY'VE EXPENDED.

AND

23          WE ALSO PROVIDE BOARD CONTACT NUMBERS TO ASSIST

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IN

24                    THAT ASSISTANCE.

25                                    THE HOUSEHOLD HAZARDOUS WASTE

1           ADVISORY DOES ABOUT THE SAME THING.  WE EXPANDED  
2           IT A LITTLE BIT OUT BECAUSE WE WANT THEM TO ALSO  
3           THINK ABOUT SETTING UP COLLECTION SITES OR  
4           COLLECTION EVENTS FOR THAT.  HOUSEHOLD HAZARDOUS  
5           WASTE CAN BE CONTROLLED.  ONCE YOU PUT IT INTO A  
6           LARGER CONTAINER AND IT BECOMES COMIXED, IT  
7           BECOMES HAZARDOUS WASTE AND FALLS INTO A WHOLE  
8           DIFFERENT CATEGORY.  SO IF THEY CAN IMMEDIATELY  
9           START SOMETHING, IT'S EASIER FOR THE LOCALS TO  
10          CONTROL IT THAT WAY AND REACT TO IT.  IF NOT, IT  
11          BECOMES A BIGGER PROBLEM.  AND THAT'S BEEN A  
12          PROBLEM THROUGHOUT SOME OF THE DISASTERS.  WHEN  
13          THE LOCALS START CLEANING UP THE HOUSES, YOU KNOW,  
14          YOU WANT TO GET YOUR HOUSE -- THE DRYWALL TORN  
15          OFF, THE CARPETS OUT, AND EVERYTHING OUT AND INTO  
16          A DUMPSTER SO YOU CAN START REBUILDING.

17                        AGAIN, WE PROVIDE ALL THE NECESSARY  
18          NUMBERS THEY NEED, WE PROVIDE CONTACT NAMES AND  
19          NUMBERS, AND WE ALSO COORDINATE THIS VERY CLOSELY  
20          WITH TOXICS AND BACK AND FORTH SO THEY KNOW  
21          EXACTLY WHAT WE'RE DOING AND WE KNOW WHAT THEY'RE  
22          DOING.

23                        THE ADVISORIES SENT TO THE LEA'S  
24          TAKES ON A DIFFERENT FOCUS.  IT REMINDS THEM ALSO  
25          THAT SOLID WASTE DOESN'T NEED TO GO TO THE

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1 LANDFILL. SOME CAN BE DIVERTED OR REUSED. WE  
2 ASKED THEM TO CONTACT THE STAFF HERE AND IDENTIFY  
3 ANY OPERATIONAL PROBLEMS OR OTHER PROBLEMS, AND  
4 THEY'VE DONE THAT WITH MIKE.

5 WE ALSO ASK DO THEY NEED ANY  
6 ASSISTANCE TO GET THEM INTO THE OES PROCESS.  
7 THESE THINGS ARE REQUIRED BECAUSE OF THE WAIVER  
8 REGS. IF THEY WANT ONE, THERE'S A CERTAIN  
9 MONITORING PERIOD THERE. IT ALSO GETS THEM INTO  
10 THE FEMA SYSTEM FOR POSSIBLE REIMBURSEMENT. GETS  
11 THEM INTO THE OES SYSTEM IF THEY NEED RESOURCES TO  
12 GO OUT AND HELP REBUILD THE ROAD OR CONTROL  
13 EROSION OR PUMP IT OUT IF IT'S UNDER WATER, YOU  
14 KNOW, GET IT DONE. AND AGAIN, WE PROVIDE ALL  
15 SORTS OF INFORMATION IN THAT ADVISORY TO THEM.

16 AS THE TEAM THAT I TALKED ABOUT AT  
17 FIRST, THE MARKETS DIVISION PROVIDES UPDATED  
18 RESOURCE LISTS FOR DIVERTING AND RECYCLING THE  
19 SHEETROCK AND OTHER THINGS. IT'S ON THE HOTLINE,  
20 AND THAT NUMBER IS PROVIDED IN OUR ADVISORY. AND  
21 THE COMPLETENESS AND ACCURACY OF THIS INFORMATION  
22 IS CHECKED OVER JUST PRIOR. WE KNOW THERE'S A  
23 DISASTER HAPPENED BEFORE WE SEND OUT THE ADVISORY  
24 SO THAT ALL THE INFORMATION ON THE HOTLINE IS  
25 CURRENT AND ACCURATE TO THE BEST OF OUR KNOWLEDGE.

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1 THE PERMITS DIVISION, WHICH MIKE IS  
2 COORDINATOR THERE, WE ASK THEM TO ASCERTAIN THE  
3 ACCESSIBILITY OF THE SOLID WASTE INFRASTRUCTURE IN  
4 THE DECLARED AREAS, IF THEY'RE UP RUNNING, IF THEY  
5 CAN BE OPERATED, OR THERE'S ANY MAJOR OPERATIONAL  
6 PROBLEMS. THEY ALSO TRACK THE WAIVERS THAT MIGHT  
7 BE GIVEN OUT ON THOSE. THIS IS DONE EITHER  
8 THROUGH THE ADVISORY OR MIKE AND THE STAFF OVER  
9 THERE CALL AND ACTUALLY POLL THE LEA'S TO SEE IF  
10 THERE'S ANY PROBLEMS IN SOME OF THOSE AREAS. THIS  
11 IS ALL DONE THROUGH INFORMATION SHARED WITH OTHER  
12 SOURCES AND BY THE TEAM. WE TRY TO SHARE THIS  
13 INFORMATION BACK AND FORTH SO WE ALL KNOW WHAT'S  
14 GOING ON AND WHAT'S HAPPENING.

15 MY DIVISION, WE'VE BEEN ASKED TO  
16 PROVIDE RESOURCES FOR THE INFORMATION COLLATION  
17 AND COLLECTION, DISSEMINATION OF IT, TO GET THE  
18 ADVISORIES PREPARED, TO GET THEM SENT OUT OR FAXED  
19 OUT, TO BE IN CONTACT WITH OES AND CAL/EPA AND THE  
20 OTHER DEPARTMENTS TO GET INFORMATION FLOWING IN  
21 AND OUT, GET THE RIGHT PHONE NUMBERS. AND WE ALSO  
22 PROVIDE ASSISTANCE TO LOCAL GOVERNMENTS FOR THEIR  
23 PROGRAM COORDINATORS AND ALSO TO THE PRIVATE  
24 SECTOR THERE AND BEING ABLE TO FOCUS THEM OVER  
25 SOME PLACE WHERE THEY CAN GET THE CORRECT AND

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1           PROPER RESPONSE AND INFORMATION.

2                           AND THAT SORT OF WRAPS IT UP. I'D  
3           JUST LIKE TO SAY ALSO WE'RE DOING A DISASTER  
4           DEBRIS MANAGEMENT PLAN, WHICH WILL BE OF  
5           ASSISTANCE TO LOCAL GOVERNMENTS IN SETTING OUT A  
6           PLAN TO TAKE ACTION WHEN A DISASTER HITS,  
7           IMPLEMENTING DIVERSION PROGRAMS, HAVE THE RIGHT  
8           PHONE NUMBERS TO CONTACT BOTH LOCALLY,  
STATEWIDE,  
9           AND FEDERAL NUMBERS, CERTAIN CONTACTS, HOW TO DO  
10          CONTRACTS, EVERYTHING ELSE. WE PROPOSE TO TAKE  
11          THAT TO THE POLICY COMMITTEE TOMORROW FOR A  
12          POSSIBLE APPROVAL. AND THAT'S OUR  
RECOMMENDATION.

13          I DON'T KNOW IF THE COMMITTEE WILL GO WITH THAT,  
14          BUT I HOPE THEY DO. AND SO AGAIN, ASSIST THE  
15          LOCAL GOVERNMENTS AND ALSO HELPS THE LOCAL  
16          LANDFILL OPERATORS AND THINGS TOO.

17                           ONE LAST THING IS I'D REALLY LIKE  
TO

18          THANK THE TEAM AND THE MANAGEMENT HERE AT THE  
19          BOARD FOR THE SUPPORT THEY'VE GIVEN. WE'RE A  
NEW  
20          AGENCY. WE WENT THROUGH A NEW PROCESS IN 1996  
AND

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21                    WERE REALLY CAUGHT UNAWARES AS IT IS -- I MEAN  
22                    1995 -- UNAWARES AS TO THE MAGNITUDE OF THE  
23                    DISASTER. WE GOT INTO IT, THE TEAM RESPONDED  
AND  
24                    MANAGEMENT HERE RESPONDED VERY WELL, AND WE  
REALLY  
25                    HAVE BECOME QUITE A PLAYER IN THIS THING. SO  
THAT

1 WRAPS IT UP.

2 CHAIRMAN FRAZEE: THANK YOU. JUST ONE  
3 QUESTION. PERHAPS MIKE COULD RESPOND TO THE ONE  
4 SITE THAT -- WHERE WE HAVE AN ONGOING, IF NOT  
5 COMPLETED, 2136 PROGRAM IN MARYSVILLE LANDFILL.  
6 DO YOU HAVE A STATUS REPORT ON THAT ONE? HAD THE  
7 WORK BEEN COMPLETED ON THE INTERIM COVER?

8 MR. WOCHNICK: YEAH. THE PHYSICAL WORK  
9 HAS BEEN DONE. INITIAL REPORTS ARE THAT IT CAME  
10 THROUGH FAIRLY WELL, AND WE HAVE -- TODAY ACTUALLY  
11 ONE OF OUR STAFF IS GOING TO BE OVER FLYING THE  
12 SITE TO TAKE A LOOK AT IT, SO WE'LL HAVE MORE  
13 INFORMATION. BUT EARLY REPORTS ARE THAT IT CAME  
14 THROUGH FAIRLY WELL.

15 CHAIRMAN FRAZEE: ANY QUESTIONS? OKAY.  
16 THANK YOU VERY MUCH FOR THAT REPORT. DO YOU HAVE  
17 ANYTHING ELSE?

18 MR. CHANDLER: NO.

19 CHAIRMAN FRAZEE: I FAILED TO, AT THE  
20 START OF THE MEETING HERE, TO INTRODUCE STEVE  
21 JONES, WHO IS THE NEWEST BOARD MEMBER HERE AT THE  
22 WASTE MANAGEMENT BOARD. WE'RE VERY HAPPY TO HAVE  
23 HIM. IT FILLS OUT OUR COMPLEMENT OF SIX MEMBERS  
24 ON THE BOARD NOW. AND I GUESS I'M NOT PREMATURE  
25 IN STATING THAT WE EXPECT HIM TO BECOME A MEMBER

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1 OF THIS COMMITTEE AFTER ACTION BY THE ADMINI-  
2 STRATION COMMITTEE AND FULL BOARD COMING UP LATER  
3 THIS MONTH. LIKE TO FORMALLY, IF WE HAVEN'T  
4 ALREADY DONE IT, WELCOME YOU ON BOARD.

5 NOW, FOR CONSIDERATION ON THE  
6 AGENDA, WE'RE GOING TO TAKE ONE ITEM OUT OF ORDER,  
7 AND THAT'S ITEM 11. PRIOR TO THAT, LET'S MOVE  
8 DOWN THE AGENDA AND INSERT THAT RIGHT AFTER ITEM  
9 2. IF THERE'S ANYONE HERE THAT'S INTERESTED IN  
10 THE TIRE STABILIZATION AND ABATEMENT PROGRAM ITEM,  
11 WE WILL TAKE THAT UP FAIRLY SOON.

12 THE CONSENT CALENDAR RECOMMENDATION  
13 CONSISTS OF JUST ONE ITEM TODAY. THAT'S  
14 CONSIDERATION OF ISSUANCE OF A NEW MINOR WASTE  
15 TIRE FACILITY PERMIT FOR COMPLETE TIRE RECYCLING  
16 IN STANISLAUS COUNTY.

17 MEMBER PENNINGTON: MR. CHAIRMAN, I MOVE  
18 ADOPTION OF THE CONSENT CALENDAR.

19 MEMBER RELIS: SECOND.

20 CHAIRMAN FRAZEE: MOTION AND SECOND ON  
21 CONSENT CALENDAR. SECRETARY CALL THE ROLL,  
22 PLEASE.

23 THE SECRETARY: BOARD MEMBER PENNINGTON.

24 MEMBER PENNINGTON: AYE.

25 THE SECRETARY: BOARD MEMBER RELIS.

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1           REGULATORY PACKAGE THAT WE DO HERE AT THIS  
AGENCY,

2           WE ALSO PROVIDE SOME SORT OF A CEQA  
COMPLIANCE.

3           AND IN THIS CASE A NEGATIVE DECLARATION WAS  
4           PREPARED AND CIRCULATED TO THE STATE  
CLEARINGHOUSE

5           ON DECEMBER 20TH. AN INITIAL STUDY WAS  
COMPLETED

6           BY JEANNIE BLAKESLEE, AND SHE WAS THE STAFF  
BEHIND

7           ALL THE WORK TO GET THIS NEGATIVE DECLARATION  
UP

8           AND RUNNING, SO I WANTED TO ACKNOWLEDGE HER  
FOR

9           HELPING ME ON THIS.

10                       THE COMMENT PERIOD ON THE  
NEGATIVE

11           DECLARATION WILL END ON JANUARY 20, 1997,  
WHICH IS

12           PRIOR TO WHEN WE PLAN TO GO TO THE FULL BOARD  
FOR

13           ADOPTION OF THE NEG DEC, AND THEN APPROVAL OF  
THE

14           REGULATIONS. SO, YES, YOU WILL HAVE THINGS

15           SEQUENTIALLY IN ORDER ON THAT DAY. I WILL

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MAKE

16 SURE OF IT WITH THE RESOLUTIONS.

17 WE'VE NOT HEARD FROM ANYBODY

THUS

18 FAR ON THE ENVIRONMENTAL DOCUMENT THAT WE'VE

19 PREPARED AND CIRCULATED, BUT IF ANYBODY --

THAT

20 ENDS MY PRESENTATION. PRETTY SIMPLE.

21 CHAIRMAN FRAZEE: APPARENTLY DO NOT

HAVE

22 ANYONE WISHING TO COMMENT ON THAT ITEM. THE

23 ACTION, THEN, BY THE COMMITTEE WOULD BE TO

FORWARD

24 THIS TO THE FULL BOARD FOR ACTION.

25 MEMBER RELIS: MR. CHAIR, I'LL MOVE

1 ADOPTION OF THE NEGATIVE DECLARATION.

2 MEMBER PENNINGTON: I'LL SECOND THAT.

3 CHAIRMAN FRAZEE: MOTION AND SECOND.

4 SECRETARY WILL CALL THE ROLL, PLEASE.

5 THE SECRETARY: BOARD MEMBER PENNINGTON.

6 MEMBER PENNINGTON: AYE.

7 THE SECRETARY: BOARD MEMBER RELIS.

8 MEMBER RELIS: AYE.

9 THE SECRETARY: CHAIRMAN FRAZEE.

10 CHAIRMAN PENNINGTON: AYE. MOTION IS  
11 CARRIED. THAT ITEM WILL APPEAR ON THE BOARD'S  
12 AGENDA.

13 NOW WE'RE GOING TO GO TO ITEM 11.  
14 THIS IS CONSIDERATION OF SITE FOR REMEDIATION OF  
15 THE WASTE TIRE STABILIZATION AND ABATEMENT  
16 PROGRAM. STAFF REPORT ON THAT, PLEASE.

17 MS. RICE: THANK YOU, MR. CHAIRMAN, AND  
18 THANK YOU FOR AGREEING TO TAKE THIS ITEM OUT OF  
19 ORDER. GALE REHBERG WILL MAKE THE PRESENTATION  
20 FOR STAFF.

21 MS. REHBERG: THANK YOU. TODAY STAFF IS  
22 PRESENTING ONE WASTE TIRE SITE FOR REMEDIATION  
23 UNDER THE WASTE STABILIZATION AND ABATEMENT  
24 PROGRAM. PUBLIC RESOURCES CODE AUTHORIZES THE  
25 BOARD TO EXPEND MONEY FROM THE TIRE FUND TO

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1           PERFORM ANY CLEANUP, ABATEMENT, OR REMEDIAL WORK  
2           REQUIRED TO PREVENT SUBSTANTIAL POLLUTION,  
3           NUISANCE, OR INJURY TO THE PUBLIC'S HEALTH OR  
4           SAFETY AT WASTE TIRE SITES WHERE THE RESPONSIBLE  
5           PARTIES HAVE FAILED TO TAKE APPROPRIATE ACTION AS  
6           ORDERED BY THE BOARD.

7                       THE SITE IS IDENTIFIED AS LLOYD'S  
8           BALING IN SAN LUIS OBISPO COUNTY AND HAS AN  
9           ESTIMATED ONE MILLION PLUS WASTE TIRES STOCKPILED  
10          IN A RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL AREA  
11          OF ARROYO GRANDE. THE SITE IS DESCRIBED IN DETAIL  
12          IN ATTACHMENT 1 OF THE AGENDA ITEM.

13                     THE SITE'S PREVIOUSLY BEEN BROUGHT  
14          TO THE BOARD FOR APPROVAL OF FUNDING FOR  
15          STABILIZATION MEASURES, AND THIS WAS IN JULY OF  
16          '96. HOWEVER, TO DATE WE HAVE NOT BEEN ABLE TO  
17          SECURE PROPERTY ACCESS FROM THE PROPERTY OWNERS.  
18          THE LEGAL OFFICE IS NOW RIGHT ASSISTING US WITH  
19          OBTAINING THE NECESSARY PROPERTY ACCESS. ACCESS  
20          WOULD BE REQUIRED FOR STABILIZATION OR  
21          REMEDATION.

22                     THIS SITE REMAINS A HIGH PRIORITY  
23          FOR REMEDIATION AND PRESENTS A SIGNIFICANT THREAT  
24          TO THE HEALTH AND SAFETY OF THE PUBLIC AND THE  
25          ENVIRONMENT DUE TO POTENTIAL FIRE AND VECTOR

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1 HARBORAGE AND BREEDING.

2 IN ORDER TO SATISFY THE CEQA  
3 REQUIREMENT, THE BOARD CEQA STAFF HAS PREPARED A  
4 NEGATIVE DECLARATION FOR THE REMEDIATION OF THE  
5 SITE, AND THE PUBLIC COMMENT PERIOD WILL CONTINUE  
6 ON THE NEG DEC THROUGH JANUARY 20TH. ANY PUBLIC  
7 COMMENTS THAT ARE RECEIVED WILL BE AVAILABLE AT  
8 THE BOARD MEETING.

9 STAFF RECOMMENDS THE BOARD APPROVE  
10 THE SITE AS DESCRIBED FOR REMEDIATION UNDER THE  
11 WASTE TIRE STABILIZATION AND ABATEMENT PROGRAM.  
12 THIS CONCLUDES MY PRESENTATION. IF YOU HAVE ANY  
13 QUESTIONS.

14 MEMBER RELIS: MR. CHAIR, I HAVE A COUPLE  
15 OF JUST QUICK QUESTIONS.

16 ONE IS WHY HAVE WE BEEN UNABLE TO  
17 GET ACCESS? COULD YOU JUST COMMENT ON THAT?

18 MS. TOBIAS: WE'RE STILL WORKING WITH  
19 THESE PARTIES IN TERMS OF A LEGAL SETTLEMENT, SO  
20 IT'S REALLY PART OF THE WHOLE SITUATION AND NOT  
21 REALLY -- I THINK THE OWNERS AT THIS POINT ARE  
22 BEING COOPERATIVE IN A SENSE OF TRYING TO WORK  
23 TOWARDS A SOLUTION. BUT I THINK IT'S MORE LET'S  
24 GET THIS ALL RESOLVED AT THE SAME TIME RATHER

THAN

25 ALLOWING ACCESS NOW AND THEN WORRYING ABOUT THAT

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1           THEY WON'T HAVE SOME ABILITY TO BE PART OF THE  
2           SOLUTION IN THE LONG RUN.

3                   MEMBER RELIS:   MY SECOND QUESTION  
4           CONCERNS, I GUESS, THE PROCEDURE.   IF WE APPROVE  
5           THE ACT -- THE RECOMMENDED ACTION TODAY, IF WE  
6           ALLOCATE THE TIRE MONEY AND THEN THERE'S A MASTER  
7           CONTRACT, AND THEN WE HAD PREVIOUSLY ALLOCATED  
8           75,000 TOWARDS THIS SITE, IS THAT ALL CORRECT?

9                   MS. RICE:   YES.

10                   MEMBER RELIS:   OKAY.   NOW, WHAT WILL  
11           HAPPEN NEXT THEN?   YOU ARE GOING TO BE NEGOTIATING  
12           CONCERNING VARIOUS OPTIONS THAT WE COULD TAKE.  
13           WILL WE SEE THIS AGAIN OR WHAT?

14                   MS. RICE:   SIMILAR TO ANY OTHER TIRE SITE  
15           THAT WE'VE BROUGHT FOR YOUR CONSIDERATION IN THE  
16           PAST, THE ITEM DOES NOT SPEAK TO THE EXACT NATURE  
17           IN WHICH THE CLEANUP WILL OCCUR.   WE'RE SIMPLY  
18           SEEKING YOUR AUTHORITY TO LOOK INTO THE APPRO-  
19           PRIATE CLEANUP FOR THIS, WHETHER IT BE THE  
20           EXISTING '94-'95 CONTRACT OR THE NEW CONTRACT,  
21           WHICH WE HOPE TO ENTER INTO SHORTLY, CONTRACT OR  
22           CONTRACTS, OR SOME OTHER MECHANISM THAT MAY SEEM  
23           APPROPRIATE FOR THIS SITE GIVEN SOME OF THE

UNIQUE

24           NUANCES OF THE SITE AND THE ISSUES THAT WE'RE  
25           FACING.

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1                   SO AT THIS TIME ALL WE ARE  
2           REQUESTING IS YOUR OKAY TO CONTINUE LOOKING INTO  
3           THOSE OPTIONS.  DEPENDING ON WHAT OPTION APPEARS  
4           TO BE THE RIGHT ONE TO TAKE WOULD DICTATE WHETHER  
5           OR NOT WE NEEDED TO COME BACK TO YOU FOR FURTHER  
6           APPROVAL.  FOR EXAMPLE, I WOULD ASSUME THAT IF WE  
7           WERE SIMPLY GOING TO USE ONE OF THE CONTRACTING  
8           MECHANISMS THAT YOU HAD ALREADY APPROVED, THAT  
9           WOULD NOT NECESSARILY REQUIRE COMING BACK TO THE  
10          COMMITTEE AND THE BOARD.  HOWEVER, IF SOMETHING  
11          DIFFERENT IS DONE, WE WOULD CERTAINLY FIND THE  
12          APPROPRIATE WAY TO EITHER COME FORWARD OR INFORM  
13          YOU IN WHATEVER MANNER WOULD BE APPROPRIATE.  SO  
14          WE WILL CERTAINLY KEEP YOU AND YOUR STAFFS  
15          INFORMED OF OUR PROGRESS.

16                   MEMBER RELIS:  AND THE AMOUNT OF MONEY  
17          INVOLVED, WOULD THAT STAY AT 75,000 OR COULD THAT  
18          GO UP OR DOWN DEPENDING?

19                   MS. RICE:  THE 75,000 WAS SIMPLY FOR  
20          STABILIZATION OF THE SITE.  TO CLEAN UP THIS SITE  
21          WOULD TAKE CONSIDERABLY MORE MONEY.  AND DEPENDING  
22          UPON WHAT THE FINAL DETERMINATION IS OF HOW TO  
23          PROCEED, WE WOULD EITHER RECOMMEND FOLDING THAT  
24          75,000 IN OR NOT.  SO THAT 75 COULD BECOME PART OF  
25          THE CLEANUP PROPOSAL.

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1                   MEMBER PENNINGTON:   WHAT IS THE -- IS THE  
2                   ITEM THAT'S BEFORE US ACTUALLY AUTHORIZING  
3                   EXPENDITURE OF UP TO \$2 MILLION.

4                   MS. RICE:   AGAIN, SIMILAR TO ALL THE  
5                   ITEMS THAT WE'VE BROUGHT BEFORE YOU FOR TIRE  
6                   CLEANUP, WE INCLUDE IN THE ITEMS AN ESTIMATE OF  
7                   THE TOP END OF THE COST, WHICH IS SIMPLY BASED ON  
8                   A PRICE PER TIRE FOR DISPOSAL.   IN ALL INSTANCES  
9                   ON PRIOR CLEANUPS, WE HAVE COME IN SUBSTANTIALLY  
10                  UNDER THE AMOUNT LISTED IN THE ITEM THAT YOU SEE.  
11                  SO WE'RE SIMPLY ATTEMPTING TO GIVE YOU A SENSE OF  
12                  WHAT IS, IN A SENSE, THE WORST-CASE SCENARIO.  WE  
13                  WOULD CERTAINLY HOPE THAT IT WOULD COME IN MUCH,  
14                  MUCH LESS AND CERTAINLY FROM OUR PAST EXPERIENCE  
15                  TO DATE BELIEVE THAT WOULD BE THE CASE.

16                  MEMBER RELIS:   BUT IF IT'S CONSISTENT  
17                  WITH OUR PROCEDURES APPROVED, THEN THE AMOUNT --  
18                  IF A DECISION WERE MADE ON SOMETHING CONSISTENT  
19                  WITH THAT, YOU'RE AUTHORIZED TO SPEND UP TO  
20                  WHATEVER WE HAVE AVAILABLE THEN FOR THIS CLEANUP.  
21                  IS THAT --

22                  MS. RICE:   WITHIN THE AMOUNTS OF MONEY  
23                  THAT YOU HAVE APPROVED FOR A TIRE PILE  
24                  REMEDIATION.

25                  MEMBER RELIS:   SO BASICALLY IT COULD

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1           AMOUNT TO A MAJOR PORTION OF WHAT WE HAVE  
2           AVAILABLE.

3                   MS. RICE:   THIS IS ONE OF THE MORE  
4           SIGNIFICANT SITES IN THE STATE, SO YES.

5                   MEMBER RELIS:   I UNDERSTAND.

6                   MS. RICE:   IT WOULD FOR THE CURRENT YEAR  
7           BE A CONSIDERABLE PORTION OF THE CLEANUP PROGRAM  
8           FOR THAT ENTIRE YEAR, THAT'S CORRECT.

9                   CHAIRMAN FRAZEE:   TO FOLLOW UP ON THAT,  
10          THE PREVIOUSLY APPROVED TIRE CLEANUP CONTRACTS DO  
11          NOT HAVE ENOUGH MONEY IN THEM TO ACCOMPLISH THIS?

12                   MS. RICE:   THE ENTIRE CLEANUP, NO.   AND  
13          IN FACT, IF WE PROCEEDED WITH WHAT YOU HAVE  
14          ALREADY APPROVED TO DATE, THAT MONEY WOULD EASILY  
15          BE FULLY EXPENDED BEFORE WE COULD BEGIN THIS.

16                   CHAIRMAN FRAZEE:   SO IF IT REQUIRED MORE  
17          THAN WHAT'S ALREADY BEEN APPROVED, THERE WOULD BE  
18          A NEED TO COME BACK TO THE BOARD FOR AN ADDITIONAL  
19          APPROPRIATION.

20                   MS. RICE:   WHAT WILL COME BACK TO YOU IS  
21          THE AWARD OF THE '96-'97 CONTRACT, WHICH IN YOUR  
22          NOVEMBER ACTION, I BELIEVE, YOU APPROVED A CERTAIN  
23          AMOUNT FOR TIRE PILE CLEANUP, AND THAT AMOUNT OF  
24          MONEY WILL SOON BE GOING OUT TO BID FOR FOLKS  
25          TO --

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1                   CHAIRMAN FRAZEE:  NOW, IS THAT THE  
2                   \$750,000 ITEM THAT HAS BEEN RECOVERED?

3                   MS. RICE:  IT'S THAT PLUS THE AMOUNT THAT  
4                   YOU APPROVED FROM THE BUDGET, SO IT COULD BE THE  
5                   TWO AMOUNTS TOGETHER.

6                   CHAIRMAN FRAZEE:  OKAY.

7                   MEMBER PENNINGTON:  WHICH IS A MILLION  
8                   FIVE.  I'M WONDERING WHY WE JUST DON'T TAKE OPTION  
9                   2 THOUGH; AND WHEN WE HAVE ACCESS AND THAT ISSUE  
10                  IS CLEANED UP AND WE BETTER KNOW WHAT THE MONEY  
11                  SITUATION IS, COME BACK AND TELL US AND WE CAN  
12                  APPROVE IT THEN.

13                  MS. TOBIAS:  I THINK WHAT WE'RE LOOKING  
14                  FOR AT THIS POINT IS SOME APPROVAL OF SOME KIND OF  
15                  FINANCIAL COMMITMENT ON THE PART OF THE BOARD IN  
16                  ORDER TO GO FORWARD WITH THE LEGAL SETTLEMENT.  
17                  IT'S REALLY DIFFICULT TO KIND OF WORK IN A VACUUM  
18                  OF NOT KNOWING HOW MUCH THE BOARD WOULD WANT TO  
19                  SPEND ON THE CLEANUP.  SO I THINK IF YOU  
WANTED TO

20                  NOT NECESSARILY AUTHORIZE THE WHOLE AMOUNT  
TODAY,

21                  WHAT I WOULD SUGGEST IS THAT YOU AUTHORIZE  
THIS

22                  MAYBE ON A CONCEPTUAL BASIS SO THAT WE CAN GO  
23                  AHEAD AND NEGOTIATE ON THE LEGAL SETTLEMENT,

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BRING

24 IT BACK TO YOU, AND GET YOUR FINAL APPROVAL

ON IT.

25 BUT I NEED TO HAVE SOME KIND OF SENSE OF WHAT

1           COULD BE SPENT IN ORDER TO FINALIZE THE  
2           NEGOTIATIONS WITH THESE PARTIES.

3                   MEMBER PENNINGTON:   I DON'T KNOW.   I  
4           MIGHT ARGUE WITH THAT.   I MIGHT RATHER SIT IN  
5           THEIR POSITION AND KNOW HOW MUCH MONEY THE BOARD  
6           HAS, AND THAT GIVES ME SOME IDEA WHEN I'M  
7           NEGOTIATING.   WHAT ARE THEY WILLING TO PUT UP?  
8           ARE THEY GOING TO TELL US WHAT THEY'RE WILLING TO  
9           PUT UP?

10                   MS. TOBIAS:   WE HAVE SOME IDEA OF WHAT  
11          THE PARTIES ARE WILLING TO PUT UP AT THIS POINT,  
12          AND THAT'S BASICALLY WHAT WE'VE BEEN WORKING WITH  
13          ON THE ISSUE IN TERMS OF TRYING TO COME UP WITH  
14          SOME KIND OF LEGAL SETTLEMENT.   THIS ONE IS JUST  
15          SLIGHTLY DIFFERENT THAN ALL THE REST OF THEM.   WE  
16          HAVE OWNER INVOLVEMENT HERE.   THEY WANT TO BE A  
17          PART OF THE CLEANUP.   THEY ARE PUTTING UP  
18          RESOURCES OF THEIR OWN THAT WILL BE A PORTION OF  
19          THIS CLEANUP AS OPPOSED TO MOST WHERE WE GO IN AND  
20          CLEAN IT UP AND LOOK FOR SOME KIND OF COST  
21          RECOVERY.

22                           SO, YOU KNOW, AT THIS POINT THE  
23          REASON WE USED THE HIGHER AMOUNT OF MONEY IS THAT  
24          THAT'S JUST -- THAT'S THE FIGURES WE'VE USED  
25          BEFORE.   I THINK, AS DOROTHY MENTIONED, THE

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1 CLEANUPS HAVE BEEN COMING IN SUBSTANTIALLY BELOW  
2 THAT. AND I THINK THAT YOU'LL ACTUALLY BE FAIRLY  
3 HAPPY IF WE CAN WORK THIS OUT WITH THE PARTIES IN  
4 TERMS OF SEEING WHAT THE FINAL SOLUTION IS. BUT  
5 AT THIS POINT IT'S DIFFICULT TO GO MUCH FURTHER  
6 WITH THE PARTIES WHEN WE REALLY DIDN'T KNOW, YOU  
7 KNOW, WHAT THE BOARD WAS WILLING TO PUT IN AS FAR  
8 AS THE BOARD'S PORTION OF THE CLEANUP. WE HAVE  
9 OTHER PARTIES WHO ARE NEGOTIATING ON THIS.

10 MEMBER RELIS: MR. CHAIR, I THINK MR.  
11 PENNINGTON RAISES A GOOD POINT. AND I GUESS I  
12 HADN'T QUITE UNDERSTOOD THE LEGAL TIE TO THE  
13 CLEANUP AS CLEARLY AS HAS BEEN PRESENTED. IS  
14 GUESS I WOULD BE IN FAVOR OF CERTAINLY GOING AHEAD  
15 WITH THE NEGOTIATIONS. I'M NOT SURE THAT WE WOULD  
16 WANT TO PLAY OUR WHOLE HAND ON WHAT WE'D BE  
17 WILLING TO COMMIT TO THIS TODAY. SO IN CONCEPT I  
18 HAVE NO PROBLEM WITH IT, BUT --

19 MEMBER PENNINGTON: I MEAN I THINK WE  
20 WANT TO CLEAN THESE UP, BUT WE'RE TALKING ABOUT  
21 POSSIBLY NOT HAVING ANY MONEY BY THE TIME WE GET  
22 TO THIS. SO TO SAY, WELL, THIS IS WHAT WE'RE  
23 WILLING TO SPEND, WHAT WE'RE WILLING TO SPEND IS  
24 MAYBE WHAT WE HAVE OR --

25 MS. TOBIAS: WE HAVE -- THERE IS A TIME

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1           ISSUE BASICALLY.  WE HAVE -- THERE ARE IN THE  
2           PROPOSALS THAT HAVE COME FORWARD, THERE ARE  
3           PARTIES THAT ARE READY TO BASICALLY START WORK ON  
4           THIS PARTICULAR PROJECT.  THE PROJECT MIGHT BE  
5           DONE OVER A PERIOD OF SEVERAL YEARS; BUT IN ORDER  
6           TO GET IT STARTED, THERE NEEDS TO BE THE COMMIT-  
7           MENT ON THE BOARD'S PART.  WITHOUT THAT, THE

OTHER

8           PARTIES ARE BASICALLY SAYING, "WELL, IF WE DON'T  
9           KNOW, YOU KNOW, WHAT OTHER RESOURCES ARE  
10          AVAILABLE, THEN, YOU KNOW, SHOULD WE REALLY BE  
11          PUTTING OUR RESOURCES INTO THIS?"  SO TO A

CERTAIN

12          EXTENT, IT IS CHICKEN OR THE EGG.

13                        I THINK IF YOUR CONCERN IS THAT  
14          WE'RE NOT GOING TO GET THE BEST DEAL IN THE  
SENSE

15          OF TELLING SOMEBODY HOW MUCH MONEY WE HAVE  
16          AVAILABLE, I THINK IT'S STAFF'S INTENT TO GET  
THE

17          BEST ECONOMICAL DEAL WE CAN.  AND WHAT WE'D  
GOING

18          OFF OF IS THE COSTS THAT HAVE COME IN THUS FAR,  
19          WHICH I THINK DOROTHY SAID WERE, WHAT, WHAT WAS  
20          THE CURRENT COST THAT YOU'RE --

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21 MS. REHBERG: THEY'RE AVERAGING ABOUT

22 \$1.22 A TIRE.

23 MS. TOBIAS: SO THAT'S REALLY FAR BELOW

24 THE TOTAL AMOUNT.

25 MEMBER RELIS: THAT WOULD BE 1.2  
MILLION,

1 IF IT WERE TO COME IN?

2 MS. TOBIAS: RIGHT. BUT AGAIN, THAT'S

A

3 TOTAL COST PER TIRE. THERE ARE OTHER PARTIES

WHO

4 ARE GOING TO BE PUTTING IN COSTS AND RESOURCES.

5 THE BOARD'S NOT CARRYING THE TOTAL CLEANUP COST  
OF

6 THIS SITE. THERE ARE OTHER PARTIES THAT WOULD  
BE

7 PUTTING IN THEIR RESOURCES AS WELL.

8 SO AGAIN, WHAT I WOULD SUGGEST IS

9 SOME KIND OF CONCEPTUAL APPROVAL, THAT THIS  
SHOULD

10 MOVE AHEAD AT THIS TIME, THEN ALLOW US TO COME

11 BACK WITH WHAT THE NEGOTIATED SETTLEMENT WOULD  
BE,

12 AND GET YOUR APPROVAL AT THAT TIME.

13 MEMBER PENNINGTON: I THINK I'D FEEL  
MORE

14 COMFORTABLE WITH THAT. SO LET'S SEE. I SHOULD

15 MAKE A MOTION THEN. KEEP TALKING AND GET  
YOURSELF

16 IN TROUBLE.

17 CHAIRMAN FRAZEE: PRIOR TO THAT, THIS  
IS

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18 MY FIRST UNDERSTANDING THAT THE OWNERS OF THE  
SITE  
19 HAD RESOURCES AVAILABLE TO PUT INTO IT. HAVE WE  
20 LOOKED AT THAT FROM THE ASPECT OF WE'VE  
COMMITTED  
21 75,000 TOWARDS STABILIZATION OF THE SITE? I  
WOULD  
22 THINK IF THEY HAD RESOURCES, WE OUGHT TO BE  
23 PRESSING THEM FOR THAT STABILIZATION. I DON'T  
24 WANT TO GET TOO FAR INTO NEGOTIATIONS.  
25 MS. TOBIAS: THAT'S MY PROBLEM. IF YOU

1        LIKE, I WOULD RATHER RECESS TO CLOSED SESSION TO  
2        DISCUSS THIS IF YOU WOULD LIKE MORE DETAIL ON IT  
3        BECAUSE IT IS A LEGAL SETTLEMENT, AND I DON'T  
4        REALLY WANT TO JEOPARDIZE IT BY EXPLAINING IN  
5        DETAIL WHAT KNOWLEDGE I HAVE OF IT. SO IF YOU'D  
6        LIKE TO HEAR MORE DETAIL ABOUT IT, I'D BE MORE  
7        THAN HAPPY TO DO THAT.

8                CHAIRMAN FRAZEE: IF WE PRIORITIZE IT AND  
9        NOT DO ANY MORE THAN SAY THIS IS THE NO. 1 SITE  
10       AND THAT'S, IN EFFECT, WHAT WE'RE DOING HERE.

11               MS. RICE: FROM A PROGRAMMATIC  
12       PERSPECTIVE, WE FELT COMFORTABLE BRINGING THIS  
13       FORWARD BECAUSE IT IS A VERY SIGNIFICANT SITE, AND  
14       IT'S LOCATED NEAR SENSITIVE THINGS. AND WE HAVE A  
15       LOT OF CONCERN ABOUT IT, SO WE DID FEEL IT WAS A  
16       VERY HIGH PRIORITY AND WAS NOT OUT OF ORDER TO  
17       BRING IT.

18               MEMBER PENNINGTON: IT'S A VERY HIGH  
19       PRIORITY. I'M NOT QUESTIONING THE PRIORITY OF IT,  
20       NOR AM I QUESTIONING THE STAFF'S ABILITY TO  
21       NEGOTIATE IT. IT'S JUST THAT, YOU KNOW, THIS IS  
22       NOT THE ONLY ONE. WE HAVE OTHERS THAT ARE BANGING  
23       ON OUR DOOR WANTING OUR MONEY TO CLEAN IT UP, AND  
24       THEY TOO ARE JUST RANKED RIGHT UP THERE WITH THIS  
25       TIRE PILE. AND IT'S KIND OF LIKE WHICH ONE IS

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1           GOING TO GET THEIR ACT TOGETHER FIRST.  WE'LL  
2           START MOVING ON WHOEVER WE CAN MOVE ON FIRST.  BUT  
3           IT SEEMS THERE'S THIS LEGAL STUFF GOING ON HERE  
4           THAT WE'RE NOT, AS THE BOARD, REALLY AWARE OF  
5           WHAT'S GOING ON THERE, AND I HATE TO COMMIT UP TO  
6           \$2 MILLION.

7                   MEMBER RELIS:  MAY I MAKE A SUGGESTION,  
8           GIVEN COUNSEL HAS SUGGESTED THAT WE MAY WANT TO  
9           RECESS ON THIS?  NOW, I DON'T KNOW IF IT'S -- THE  
10          COMMITTEE WANTS TO DO THAT, TAKE FIVE MINUTES AND  
11          RECESS AND GET AN UPDATE.

12                   MS. TOBIAS:  YOU KNOW, I THINK IN FIVE TO  
13          TEN MINUTES I COULD BASICALLY TELL YOU WHAT I KNOW  
14          ABOUT THE SITUATION AND THE STATUS OF THE NEGOTIA-  
15          TION.  IF YOU WOULD LIKE TO DO THAT, WE COULD DO  
16          THAT.

17                   CHAIRMAN FRAZEE:  LOOKING AT THE TIME.  
18          MAYBE WE COULD ACCOMPLISH THAT ALONG WITH THE  
19          LUNCH BREAK AT THE SAME TIME.

20                   MEMBER PENNINGTON:  OKAY.

21                   MR. CHANDLER:  SO WE'LL KEEP THIS ITEM  
22          OPEN, NOT TAKE ANY ACTION NOW, MOVE ON TO ANOTHER  
23          ITEM, AND WE'LL CONDUCT A BRIEF CLOSED SESSION.

24                   CHAIRMAN FRAZEE:  LET'S MAYBE CLEAN UP A  
25          FEW MORE ITEMS AND GET A LITTLE CLOSER TO LUNCH

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1           HOUR; AND WHEN WE BREAK FOR LUNCH, WE CAN ALSO GO  
2           TO EXECUTIVE SESSION FOR PURPOSE OF DISCUSSING  
3           THIS.

4                       BACK NOW TO ITEM 3, AND THIS IS THE  
5           CONSIDERATION OF A NEW WASTE FACILITY PERMIT FOR  
6           THE UNITED WASTE RECYCLING AND TRANSFER INCORPOR-  
7           ATED IN LOS ANGELES COUNTY.

8                       LET ME ALSO INDICATE THAT WE'RE  
9           STARTING SOMEWHAT OF A NEW PROCEDURE TODAY IN  
10          ASKING THE LEA'S, IF THEY'RE PRESENT AND WISH TO  
11          PARTICIPATE IN THE ITEM, TO COME FORWARD ALONG  
12          WITH STAFF TO BE AVAILABLE TO ANSWER QUESTIONS AND  
13          MAKE PART OF THE PRESENTATION.   STAFF REPORT.

14                      MS. RICE:   THANK YOU, MR. CHAIRMAN.  
15          GEORGIANNE TURNER WILL MAKE THE PRESENTATION FOR  
16          BOARD STAFF.   CONNIE ROCKE, REPRESENTING THE LEA,  
17          IS HERE TO ASSIST.

18                      MS. TURNER:   GOOD MORNING.   I WANTED TO  
19          MAKE A NOTE THAT THERE ARE TWO ADDITIONAL  
20          ATTACHMENTS TO THIS ITEM THAT SHOULD HAVE BEEN  
21          PASSED OUT PREVIOUS TO STARTING THE MEETING.   ONE  
22          IS THE PROPOSED PERMIT AND ONE IS THE RESOLUTION,  
23          PERMIT DECISION 97-17.

24                      UNITED WASTE RECYCLING TRANSFER IS  
25          OWNED AND OPERATED BY ATHENS DISPOSAL.   THE SITE

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1 IS LOCATED ON A 14.3-ACRE PARCEL, WHICH IS  
2 PARTIALLY IN THE CITY OF INDUSTRY AND PARTIALLY IN  
3 THE UNINCORPORATED AREA OF L.A. COUNTY. THE  
4 PROPOSED PERMIT WILL ALLOW THE FACILITY TO RECEIVE  
5 UP TO 1,920 TONS PER DAY OF MUNICIPAL SOLID WASTE,  
6 AND THE WASTE WILL BE PROCESSED FOR 24 HOURS A  
7 DAY. THE PERMIT DOES LIMIT THE WASTE RECEIVED AT  
8 THE FACILITY BETWEEN 7 A.M. AND 7 P.M. MONDAY  
9 THROUGH FRIDAY AND 7 A.M. TO 6 P.M. SATURDAY AND  
10 SUNDAY.

11 THE OPERATOR IS PLANNING TO RECOVER  
12 BETWEEN 25 AND 40 PERCENT OF THE INCOMING  
13 MATERIAL, MOST OF WHICH WILL BE METAL, PAPER,  
14 PLASTIC, GLASS, CARDBOARD, AND NEWSPRINT.

15 AT THE TIME THIS ITEM WENT TO PRINT,  
16 THERE WERE TWO OUTSTANDING ISSUES. ONE, WE WERE  
17 WAITING ON A PROPOSED PERMIT. AND THE SECOND  
18 ISSUE WAS THE CONFORMANCE WITH THE GENERAL PLAN  
19 AND COUNTY SOLID WASTE MANAGEMENT PLAN. THESE  
20 ISSUES HAVE BEEN RESOLVED. THEREFORE, BASED ON  
21 THE LEA AND THE BOARD STAFF'S DETERMINATION THAT  
22 THE FACILITY IS IN CONFORMANCE WITH THE COUNTY  
23 GENERAL PLAN AND THE COUNTY SOLID WASTE MANAGEMENT  
24 PLAN AND IS CONSISTENT AND IN COMPLIANCE WITH  
25 CEQA, WE RECOMMEND THAT THE BOARD ADOPT PERMIT

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1 DECISION 97-17, CONCURRING IN THE ISSUANCE OF  
2 SOLID WASTE FACILITIES PERMIT 19-AA-0863.

3 AND I BELIEVE A REPRESENTATIVE OF  
4 THE OPERATOR, THE CONSULTANT, CAROLYN INGRAM  
5 SEITZ, IS HERE, ALTHOUGH I DID NOT SEE HER.

6 CHAIRMAN FRAZEE: WE DO HAVE A SPEAKER  
7 SLIP THAT INDICATES THAT SHE WOULD SPEAK ONLY IF  
8 NECESSARY. ALSO, WE HAVE A SPEAKER SLIP FROM JOE  
9 SLOAN REPRESENTING THE APPLICANT AND FROM DENNIS  
10 CHIAPPETTA, REPRESENTING UNITED WASTE ALSO. I  
11 THINK THOSE WERE ALL RESOURCE PEOPLE IN CASE WE  
12 WANTED TO ASK ANY QUESTIONS.

13 THIS IS THE FACILITY THAT HAD SOME  
14 LOCAL OPPOSITION AND WAS THE SUBJECT OF  
15 LEGISLATION THAT FAILED DURING THIS LAST SESSION  
16 OF THE LEGISLATURE REGARDING -- THIS IS NOT THE  
17 ONE. THERE WAS ONE IN THAT SAME AREA. DIAMOND  
18 BAR. DO YOU WISH TO MAKE ANY -- ANY QUESTIONS?

19 MEMBER PENNINGTON: I DON'T HAVE ANY  
20 QUESTIONS. I MOVE THE ADOPTION OF PERMIT

DECISION

21 97-17.

22 MEMBER RELIS: I'LL SECOND.

23 CHAIRMAN FRAZEE: WE HAVE A MOTION AND A  
24 SECOND ON THE ADOPTION OF PERMIT DECISION 97-17.  
25 SECRETARY WILL CALL THE ROLL, PLEASE.

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1 THE SECRETARY: BOARD MEMBER PENNINGTON.

2 MEMBER PENNINGTON: AYE.

3 THE SECRETARY: BOARD MEMBER RELIS.

4 MEMBER RELIS: AYE.

5 THE SECRETARY: CHAIRMAN FRAZEE.

6 CHAIRMAN FRAZEE: AYE. MOTION IS  
7 CARRIED; AND WITHOUT OBJECTION, WE'LL RECOMMEND IT  
8 TO THE CONSENT CALENDAR FOR THE FULL BOARD.

9 AND THEN OUR NEXT ITEM, ITEM 4, IS  
10 CONSIDERATION OF THE SOLID WASTE FACILITIES PERMIT  
11 FOR THE CITY OF CLOVIS IN FRESNO COUNTY.

12 MS. RICE: THANK YOU, MR. CHAIRMAN.  
13 VIRGINIA ROSALES WILL MAKE THE STAFF PRESENTATION.  
14 STEVE ROSE, REPRESENTING THE LEA, IS ALSO PRESENT  
15 AT THE TABLE.

16 MS. ROSALES: GOOD MORNING, MR. CHAIRMAN,  
17 COMMITTEE MEMBERS. AGENDA ITEM NO. 4 IS A REVISED  
18 PERMIT FOR THE CITY OF CLOVIS LANDFILL IN FRESNO  
19 COUNTY.

20 THE FACILITY IS OWNED AND OPERATED BY  
21 THE CITY OF CLOVIS. THIS PROPOSED PERMIT WOULD  
22 ALLOW FOR AN INCREASE IN TONNAGE FROM AN ANNUAL  
23 AVERAGE OF 51 TONS TO A DAILY AVERAGE OF 204 TONS  
24 WITH A PEAK OF 354 TONS PER DAY.

25 A POINT OF CLARIFICATION. THE

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1 PROPOSED PERMIT DEFINES BOTH THE PERMITTED AREA  
2 AND THE DISPOSAL FOOTPRINT. THE ACTUAL ACREAGE OF  
3 THE PERMITTED AREA IS 57 ACRES AND NOT 55 ACRES,  
4 SO THERE IS NO INCREASE OR EXPANSION IN THE  
5 PERMITTED AREA OF THE DISPOSAL FOOTPRINT AS STATED  
6 ON PAGE 2 OF THE AGENDA ITEM.

7 ADDITIONALLY, THIS PROPOSED PERMIT  
8 WOULD SPECIFY A FINAL ELEVATION OF 510 FEET MEAN  
9 SEA LEVEL, SPECIFY THE TRAFFIC VOLUME, EXTEND THE  
10 CLOSE DATE FROM 2003 TO 2017, ALLOW FOR IMPLEMEN-  
11 TATION OF A HOUSEHOLD HAZARDOUS WASTE SCREENING  
12 PROGRAM, AND ALLOW FOR THE ONGOING USE OF AN  
13 ALTERNATIVE DAILY COVER, WHICH IS THE GEOSYNTHETIC  
14 TARPS.

15 THIS FACILITY IS OPEN MONDAY THROUGH  
16 FRIDAY 8 A.M. TO 4:30 P.M., INCLUDING HOLIDAYS,  
17 AND IS CLOSED ON THE WEEKENDS. THE FACILITY IS  
18 ONLY OPEN TO THE CITY REFUSE COLLECTION TRUCKS AND  
19 ALSO, NOT MENTIONED IN THE ITEM, TO SEVEN PRIVATE  
20 HAULERS THAT THE CITY HAS AN AGREEMENT WITH.

21 ON AUGUST 28TH THE BOARD STAFF, IN  
22 CONJUNCTION WITH THE LEA STAFF, CONDUCTED A  
23 PREPERMIT INSPECTION OF THE FACILITY. THE  
24 INSPECTION IDENTIFIED TWO VIOLATIONS OF PUBLIC  
25 RESOURCES CODE AND SEVEN VIOLATIONS OF STATE

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1 MINIMUM STANDARDS. ISSUANCE OF THE PROPOSED  
2 PERMIT WOULD CORRECT THE VIOLATIONS OF THE PUBLIC  
3 RESOURCES CODE.

4 THE SEVEN VIOLATIONS THAT WERE  
5 IDENTIFIED EVOLVED AROUND THE PROCEDURES FOR  
6 EXCLUDING HAZARDOUS WASTE, COVER, EXPLOSIVE GAS  
7 CONTROL, RECORDKEEPING, AND INTERMEDIATE COVER.  
8 ON NOVEMBER 4, 1996, THE LEA ISSUED A NOTICE AND  
9 ORDER ADDRESSING THE LONG-TERM GAS VIOLATION THAT  
10 REQUIRED THE OPERATOR TO SUBMIT AN INTERIM GAS  
11 MONITORING AND CONTROL PLAN BY JANUARY 1, 1997, TO  
12 BOTH THE LEA AND BOARD STAFF. THE LEA RECEIVED  
13 THEIR COPY ON DECEMBER 30TH AND HAS DELIVERED OUR  
14 COPY TO US THIS MORNING.

15 ON NOVEMBER 20, 1996, THE LEA  
16 CONDUCTED A MONTHLY INSPECTION WHICH REVEALED ALL  
17 THE VIOLATIONS OF STATE MINIMUM STANDARDS HAD BEEN  
18 CORRECTED. IT SHOULD BE NOTED THERE ARE NO  
19 STRUCTURES WITHIN A THOUSAND FEET OF THE FACILITY.

20 SOME UPDATES ON THE ITEM: STAFF  
21 FIND THAT FINANCIAL ASSURANCE DEMONSTRATION  
22 SATISFY TITLE 14 REQUIREMENTS. THE CITY OF  
23 CLOVIS, ACTING AS THE LEAD AGENCY, PREPARED A  
24 MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED  
25 PROJECT. THE DOCUMENT WAS CIRCULATED THROUGH THE

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1 STATE CLEARINGHOUSE FOR AGENCY REVIEW AND COMMENT.  
2 THE MITIGATED NEGATIVE DECLARATION WAS ADOPTED,  
3 AND THE PROJECT WAS APPROVED ON SEPTEMBER 30,  
4 1993. THE CEQA DOCUMENTS ARE ADEQUATE FOR THE  
5 BOARD'S EVALUATION.

6 FINALLY, STAFF WOULD LIKE TO MENTION  
7 THERE ARE SOME WATER QUALITY CONCERNS AT THE SITE.  
8 LOW CONCENTRATIONS OF SOME VOLATILE ORGANIC  
9 COMPOUNDS HAVE BEEN DETECTED IN THE GROUNDWATER  
10 MONITORING WELLS BETWEEN THE LANDFILL AND LITTLE  
11 DRY CREEK, WHICH IS TO THE SOUTH OF THE LANDFILL.

12 BASED UPON THE FACT STAFF HAD NOT  
13 HAD THE OPPORTUNITY TO REVIEW THE INTERIM GAS  
14 MONITORING AND CONTROL PLAN AND OTHER SUPPLEMENTAL  
15 INFORMATION RECEIVED YESTERDAY THAT WOULD ALLOW  
16 STAFF TO COMPLETE THE ANALYSIS OF THE REPORT OF  
17 DISPOSAL SITE INFORMATION, THE STAFF RECOMMEND  
18 THIS AGENDA ITEM BE MOVED FORWARD TO THE FULL  
19 BOARD WITHOUT A RECOMMENDATION.

20 THIS CONCLUDES STAFF'S  
PRESENTATION.

21 ALSO PRESENT IS MR. JIM PALUMBO, THE ASSISTANT  
22 PUBLIC UTILITIES DIRECTOR, REPRESENTING THE  
23 OPERATOR AND HIS REPRESENTATIVE, VECTOR  
24 ENGINEERING.

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25

FROM

CHAIRMAN FRAZEE: WE HAVE A REQUEST

1 MR. PALUMBO TO SPEAK TO THIS ISSUE, REPRESENTING  
2 THE CITY OF CLOVIS.

3 MR. PALUMBO: THANK YOU, MEMBERS OF THE  
4 COMMITTEE. I JUST WANTED TO SUPPORT THE STAFF  
5 RECOMMENDATION TO MOVE THIS FORWARD AND ALSO  
6 REITERATE THAT WE HAVE DEVELOPED PLANS THAT ARE  
7 CURRENTLY BEING REVIEWED. WE'VE MET THE FIRST  
8 MILESTONE FOR THE INTERIM GAS MITIGATION PLAN.  
9 THAT'S BEING REVIEWED. AND WE CONTINUE TO WORK  
10 DILIGENTLY TOWARDS THAT PROCESS.

11 CURRENTLY THERE ARE NO HEALTH AND  
12 SAFETY ISSUES INVOLVED RELATIVE TO THE GAS  
13 PROBLEM, AND -- BUT WE ARE MOVING FORWARD TO DEAL  
14 WITH THOSE ISSUES. I'D BE HAPPY TO ANSWER ANY  
15 SPECIFIC QUESTIONS THAT THE COMMITTEE MAY HAVE OR  
16 STAFF.

17 MEMBER RELIS: WHILE WE HAVE ALL THE  
18 PARTIES HERE, I HAVE A FEW QUESTIONS. FIRST  
19 CONCERNS, AS I READ THE STAFF REPORT, THERE'S NO  
20 SCALE AT THIS SITE. IS THERE A SCALE TODAY?

21 MR. PALUMBO: NO, SIR.

22 MEMBER RELIS: THAT STRIKES ME AS A  
23 LITTLE UNUSUAL FOR A LANDFILL THIS SIZE TO NOT  
24 HAVE A SCALE AT THIS STAGE OF OUR DEVELOPMENT.  
25 I'M WONDERING DO YOU HAVE PLANS TO GET A SCALE?

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1                   MR. PALUMBO: I BELIEVE ULTIMATELY WE'LL  
2                   HAVE A SCALE AND PROBABLY IN NOT THE TOO DISTANT  
3                   FUTURE. WE'RE CURRENTLY HAULING IN ABOUT A  
4                   HUNDRED FIFTY TONS A DAY. WE HAVE SUBMITTED AND  
5                   HAVE APPROVED AN ALTERNATIVE PROCESS FOR  
6                   DETERMINING OUR INFLOW AND ARE CURRENTLY ABIDING  
7                   BY THAT.

8                   MEMBER RELIS: BUT YOU'RE PLANNING TO GO  
9                   TO -- YOU WOULD LIKE A PEAK OF 354 TONS A DAY; IS  
10                  THAT CORRECT? AND STILL NO IMMEDIATE PLANS FOR A  
11                  SCALE. JUST -- I'M NOT GOING ANYWHERE WITH THAT.  
12                  JUST SURPRISING TO ME THAT WE'RE NOT YET IN THE  
13                  AGE OF SCALES.

14                 SECOND, THERE ARE NO BUILDINGS  
15                 ANYWHERE NEAR THE SITE WHERE THESE HIGH GAS LEVELS  
16                 HAVE BEEN FOUND, NO STRUCTURES OF ANY SORT?

17                 MR. PALUMBO: THERE IS ONE ON-SITE OFFICE  
18                 FACILITY THAT IS IN A DIRECTION COUNTER TO THE  
19                 DIRECTION OF THE GAS MIGRATION. IT IS A MOBILE  
20                 FACILITY. IT'S OFF THE GROUND. THERE AREN'T ANY  
21                 OTHER STRUCTURES THAT ARE WITHIN THE AREA WITHIN A  
22                 THOUSAND FEET.

23                 MEMBER RELIS: AND THEN FINALLY, THE WAY  
24                 I READ THE PROPOSAL, THAT YOU WOULD HAVE YOUR GAS  
25                 CONTROL EXTRACTION SYSTEM WOULD BE STARTED UP IN

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1 ANTICIPATED JUNE 1, '98. IS THAT STILL --

2 MR. PALUMBO: WE PLAN ON MOVING FORWARD  
3 WITH A PLAN. IT MAY NOT BE EXACTLY THAT  
4 PARTICULAR PROGRAM, BUT WE ARE REVIEWING SOME  
5 ALTERNATIVES AT THIS POINT.

6 MEMBER RELIS: I DON'T READ THIS AS A  
7 PLAN. I READ IT AS THE SYSTEM. IS THAT CORRECT?

8 MS. ROSALES: THE WAY THE NOTICE AND  
9 ORDER WAS ISSUED, THAT'S WHERE STAFF OBTAINED THAT  
10 INFORMATION. AND THAT'S -- THOSE WERE THE DATES  
11 REFLECTED IN THE NOTICE AND ORDER.

12 MEMBER RELIS: YOURS IS NOT A -- YOU ARE  
13 REFERRING TO THE OPERATION OF THE GAS CONTROL  
14 SYSTEM, NOT A PLAN TO OPERATE IT.

15 MR. RHODES: COMMITTEE AND MR. RELIS,  
16 STEVEN RHODES WITH FRESNO COUNTY LEA. AS A MEANS  
17 TO MOVE THIS PERMIT FORWARD, A NOTICE AND ORDER  
18 WAS ISSUED WITH VERY SPECIFIC TIME FRAMES THAT WE  
19 WORKED WITH BOARD STAFF ON. THE INTENT OF THAT IS  
20 TO HAVE TIME FRAMES IN ORDER FOR THERE TO BE  
21 MILESTONES WITH WHICH THE OPERATOR MUST COMPLY  
22 WITH.

23 THERE HAS BEEN FOR A LONG PERIOD  
24 OF  
TIME A GAS ISSUE HERE. THE GAS ISSUES HAVE BEEN

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25 LOOKED AT FROM A PERSPECTIVE OF RELATIVE RISK.

1 THE SITE HAS NO RESIDENCES; IT HAS NO STRUCTURES  
2 WITHIN A THOUSAND FEET AND PROBABLY FARTHER THAN  
3 THAT IF WE WERE TO GO AHEAD AND LOOK AT THE  
4 TOPOGRAPHY AND MAPS IN THE SURROUNDING AREAS.  
5 THEY ARE CURRENTLY, FROM WHAT WE'VE RECEIVED,  
6 LOOKING AT AN OPTION OF LINING THE EXISTING  
7 LANDFILL THAT'S ON THE PROPERTY. THAT WOULD BE  
8 REMOVING THE SOURCE OF THE METHANE. THEY ARE ALSO  
9 LOOKING AT A PURCHASE OF THE SURROUNDING  
10 PROPERTIES, WHICH THEY WOULD GAIN THE CONTROL OF  
11 THE PROPERTY THAT WOULD BE AT RISK OF THAT METHANE  
12 MIGRATION. SO --

13 MEMBER RELIS: AREN'T THERE TWO RISKS  
14 WITH METHANE OR GAS MIGRATION? ONE IS -- AND THE  
15 OTHER IS OUTSIDE OF OUR PURVIEW -- ITS EFFECT ON  
16 WATER.

17 MR. RHODES: RIGHT.

18 MEMBER RELIS: FIRST WOULD BE THREAT TO  
19 PUBLIC HEALTH AND DANGER.

20 MR. RHODES: RIGHT. NOW, THE EXISTING  
21 MONITORING THAT IS ALREADY TAKING PLACE, THEY'VE  
22 DONE NOT ONLY THE VADOSE ZONE MONITORING, BUT  
23 THEY'VE ALSO DONE BREEDING ZONE MONITORING. AND  
24 TO DATE THERE'S BEEN NO BREEDING ZONE METHANE  
25 LEVELS.

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1                   MEMBER RELIS:  SO JUST ONCE AGAIN, MAYBE  
2                   I MISREAD THE STAFF WRITEUP.  AND BECAUSE IT  
3                   STATES, I THOUGHT, QUITE CLEARLY THE START-UP FOR  
4                   THE LANDFILL GAS CONTROL EXTRACTION SYSTEM WAS  
5                   JUNE 1, '98, BUT WHAT YOU'VE SAID THEY MIGHT DIG  
6                   IT UP BY BUYING LAND.  SO NOW I'M THOROUGHLY --

7                   MR. ROSALES:  WE JUST GOT THIS THIS  
8                   MORNING AND HAVE NOT HAD THE OPPORTUNITY TO LOOK  
9                   AT IT.

10                  MEMBER RELIS:  THE CHRONIC PROBLEM.

11                  MS. ROSALES:  STAFF IS MAKING THE  
12                  RECOMMENDATION --

13                  MEMBER RELIS:  WE GET THE INFORMATION IN  
14                  SO LATE, WE CAN'T INTERPRET IT.

15                  MR. PALUMBO:  IF I MAY ADD, IT IS OUR  
16                  INTENT TO COMPLY WITH THE MILESTONES THAT HAVE  
17                  BEEN DEVELOPED.  WE'VE COMPLIED WITH THE FIRST  
18                  ONE.  WE'RE ONLY SUGGESTING THAT THERE MAY BE  
19                  ANOTHER SOLUTION THAT WE FEEL MIGHT BE BETTER  
20                  THAN

21                  THE GAS EXTRACTION.

22                  MEMBER RELIS:  BUT YOU SEE OUR PROBLEM  
23                  IS

24                  WE DON'T KNOW WHAT THE MILESTONES ARE.  IF I  
25                  PRESS

26                  AND TAKE IT LITERALLY, I THINK IT'S ONE

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MILESTONE ,

24                    BUT THEN I HEAR IT MIGHT BE SOMETHING ELSE .

AND

25                    AGAIN, WE DON'T HAVE THE INFORMATION TO BE ABLE  
TO

1 MAKE THESE ASSESSMENTS. SO I'M ALL IN FAVOR OF  
2 THE GOING FORWARD WITHOUT RECOMMENDATION.

3 CHAIRMAN FRAZEE: ANYTHING ELSE?  
4 QUESTIONS? IF NOT, THANK YOU VERY MUCH. WAS THAT  
5 A MOTION THEN?

6 MEMBER RELIS: YES.

7 MEMBER PENNINGTON: I'LL SECOND IT.

8 CHAIRMAN FRAZEE: MOTION AND SECOND TO  
9 MOVE THIS ITEM FORWARD TO THE FULL BOARD WITHOUT  
10 RECOMMENDATION THEN. HAVE A LITTLE MORE TIME FOR  
11 EVALUATION. IF THE SECRETARY WOULD CALL THE ROLL,  
12 PLEASE.

13 THE SECRETARY: BOARD MEMBER PENNINGTON.

14 MEMBER PENNINGTON: AYE.

15 THE SECRETARY: BOARD MEMBER RELIS.

16 MEMBER RELIS: AYE.

17 THE SECRETARY: CHAIRMAN FRAZEE.

18 CHAIRMAN FRAZEE: AYE. MOTION IS  
19 CARRIED.

20 LET'S TAKE ITEM 5 HERE, AND THEN  
21 THIS WILL BE THE LAST ITEM BEFORE WE DO OUR LUNCH  
22 BREAK AND OUR EXECUTIVE SESSION. THIS IS THE  
23 CONSIDERATION OF A REVISED SOLID WASTE FACILITY  
24 PERMIT FOR THE VALLEY TREE AND CONSTRUCTION  
25 DISPOSAL SITE IN KERN COUNTY.

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1 MS. RICE: THANK YOU, MR. CHAIRMAN.  
2 TERRY SMITH WILL PRESENT THE ITEM FOR STAFF. BILL  
3 O'RULLIAN, REPRESENTING THE LEA, IS ALSO PRESENT.

4 MR. SMITH: MORNING. ITEM NO. 5 REGARDS  
5 THE CONSIDERATION OF A REVISED SOLID WASTE  
6 FACILITY PERMIT FOR THE VALLEY TREE AND  
7 CONSTRUCTION DISPOSAL SITE LOCATED IN KERN COUNTY.  
8 PLEASE NOTE THAT THE RESOLUTION FOR THIS ITEM IS  
9 BEING PASSED OUT AS IT WAS NOT INCLUDED IN THE  
10 AGENDA PACKET.

11 CONCURRENCE WITH THIS PERMIT  
12 REVISION WILL ALLOW THE FOLLOWING CHANGES:  
13 REDUCTION IN MAXIMUM TONNAGE FROM 830 TO 750 TONS  
14 PER DAY, CHANGE IN OPERATING HOURS FROM 7 A.M. TO  
15 4 P.M. SIX DAYS A WEEK TO 8 A.M. TO 5 P.M. MONDAY  
16 THROUGH FRIDAY, AND OTHER WASTE ACCEPTED ON  
17 APPOINTMENT ONLY AFTER THOSE HOURS, UPDATE OF  
18 PERMIT LANGUAGE FORMAT, EXTENSION OF ESTIMATED  
19 INERT DISPOSAL AREA, CLOSURE DATE DUE TO INCREASED  
20 RECYCLING EFFORTS AT THE SITE, INCREASE IN SITE  
21 ACREAGE FROM 7.5 TO 16.24 ACRES, ADDITION OF  
22 SCALES, AND THE ADDITION OF A LARGE VOLUME  
23 TRANSFER STATION.

24 THIS PROPOSED PERMIT REVISION  
WILL  
25 REFLECT THE EVOLUTION OF THE INERT DISPOSAL

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SITE

1 INTO A LARGE VOLUME TRANSFER STATION. THE  
2 OPERATION OF THE INERT DISPOSAL AREA IS NOW  
3 CONSIDERED AN AUXILIARY OPERATION TO TRANSFER AND  
4 PROCESSING AND RECYCLING EFFORTS CURRENTLY  
5 CONDUCTED AT THE SITE.

6 THE ITEM, AS INCLUDED IN THE  
7 COMMITTEE AGENDA PACKET, DOES NOT CONTAIN A STAFF  
8 RECOMMENDATION BECAUSE AT THE TIME THE ITEM WAS  
9 WRITTEN, STAFF HAD NOT RECEIVED ALL THE NECESSARY  
10 INFORMATION TO MAKE ALL THE FINDINGS. SPECIFI-  
11 CALLY A VIOLATION OF STATE MINIMUM STANDARDS FOR  
12 STATION MAINTENANCE WAS DISCOVERED DURING THE LEA  
13 AND BOARD STAFF JOINT INSPECTION, PREPERMIT  
14 INSPECTION. AND ALSO, THE CEQA PORTION OF THE  
15 APPLICATION PACKAGE HAD -- REVIEW WAS STILL  
16 PENDING.

17 STAFF HAVE NOW COMPLETED THEIR  
18 REVIEW. ON JANUARY THE 2D, 1997, THE LEA RETURNED  
19 TO THE SITE AND DETERMINED THAT DURING A MONTHLY  
20 INSPECTION THAT THE FACILITY IS IN COMPLIANCE WITH  
21 ALL OF THE STATE MINIMUM STANDARDS. ON DECEMBER  
22 18, 1996, THE LEA FAX'D AN ADDENDUM TO THE 1977  
23 EIR, WHICH ADDRESSES STAFF'S CONCERN REGARDING  
24 POTENTIAL TRAFFIC, NOISE, BIOLOGICAL IMPACTS  
25 ASSOCIATED WITH THE NEW OPERATING HOURS AS PRO-

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1           POSED IN THE PERMIT REVISION.

2                       AFTER REVIEWING THE PROPOSED  
3           PROJECT, THE LEA AND BOARD STAFF HAVE DETERMINED  
4           THAT THE FACILITY IS IN CONFORMANCE WITH THE KERN  
5           COUNTY SOLID WASTE MANAGEMENT PLAN, THE FACILITY  
6           IS CONSISTENT WITH KERN COUNTY'S GENERAL PLAN,  
7           PROJECT DESIGN AND OPERATION ARE IN COMPLIANCE  
8           WITH STATE MINIMUM STANDARDS, AND THE CALIFORNIA  
9           ENVIRONMENTAL QUALITY ACT REQUIREMENTS HAVE BEEN  
10          SATISFIED. STAFF HAVE ANALYZED THE PROPOSED  
11          PERMIT AND SUPPORTING DOCUMENTS AND FOUND THEM  
12          ACCEPTABLE FOR BOARD'S CONSIDERATION OF  
13          CONCURRENCE.

14                      IN CONCLUSION, STAFF RECOMMEND THAT  
15          THE BOARD ADOPT PERMIT DECISION NO. 97-28,  
16          CONCURRING IN THE ISSUANCE OF SOLID WASTE FACILITY  
17          PERMIT NO. 15-AA-0153. THE OWNER AND OPERATOR OF  
18          THE SITE, MR. ART JONES, IS PRESENT AND AVAILABLE  
19          TO ANSWER QUESTIONS IF YOU MAY HAVE ANY.

20                      CHAIRMAN FRAZEE: QUESTIONS? MR.  
21          O'RULLIAN, DID YOU HAVE ANY COMMENTS ON THIS ITEM?

22                      MR. O'RULLIAN: I WOULD LIKE TO SPEAK AND  
23          SAY THAT THIS PERMIT HAS BEEN A LONG TIME IN  
24          COMING. THERE HAVE BEEN DELAYS CREATED THAT WERE  
25          OUTSIDE THE JURISDICTION OF THE LEA OR CIWMB,

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1           PRIMARILY RESTING WITH THE REGIONAL WATER QUALITY  
2           CONTROL BOARD.  WE'RE SATISFIED WITH THE OPERATION  
3           OF THE SITE.

4                       THE ORIGINAL CONCERNS THAT WERE  
5           RAISED, AS MR. SMITH MENTIONED, WERE IN OUR MINDS  
6           MINOR OPERATIONAL THINGS THAT HAVE BEEN CORRECTED.  
7           THE SITE HAS OPERATED FOR OVER 20 YEARS, AND IT IS  
8           ONE OF THE FEW PRIVATELY OWNED DISPOSAL AND  
9           TRANSFER OPERATIONS IN KERN COUNTY AND IN THE  
10          SOUTHERN SAN JOAQUIN.

11                   CHAIRMAN FRAZEE:  OKAY.  THANK YOU.  WE  
12          DO HAVE A PERMIT DECISION PREPARED NOW.  MOTION IS  
13          APPROPRIATE ON THAT.

14                   MEMBER PENNINGTON:  OKAY.  I'LL MOVE  
15          ADOPTION OF PERMIT DECISION 97-28.

16                   MEMBER RELIS:  SECOND.

17                   CHAIRMAN FRAZEE:  MOTION AND SECOND ON  
18          APPROVAL OF THIS ITEM.  IF THE SECRETARY WILL CALL  
19          THE ROLL.

20                   THE SECRETARY:  BOARD MEMBER PENNINGTON.

21                   MEMBER PENNINGTON:  AYE.

22                   THE SECRETARY:  BOARD MEMBER RELIS.

23                   MEMBER RELIS:  AYE.

24                   THE SECRETARY:  CHAIRMAN FRAZEE.

25                   CHAIRMAN FRAZEE:  AYE.  MOTION IS

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1 CARRIED. AND WITHOUT OBJECTION, WE'LL RECOMMEND  
2 CONSENT TO THE FULL BOARD ON THAT ITEM.

3 NOW, SHALL WE TAKE A, FIRST OF ALL,  
4 A BREAK FOR AN EXECUTIVE SESSION BRIEFLY AND THEN  
5 RECESS FOR LUNCH AND RETURN AT 1:30. OKAY. BACK  
6 AT 1:30.

7 (LUNCH RECESS TAKEN.)

8 CHAIRMAN FRAZEE: THE MEETING WILL COME  
9 TO ORDER, PLEASE. THE POINT THAT WE ADJOURNED FOR  
10 THE LUNCH BREAK, WE WERE IN THE MIDDLE OF AGENDA  
11 ITEM 11, AND WE DO HAVE A REQUEST TO SPEAK  
12 REGARDING THIS ITEM FROM JOSEPH GOODWIN,  
13 REPRESENTING THE BRADDOCK GROUP. MR. GOODWIN AT  
14 THIS TIME.

15 MR. GOODWIN: MR. CHAIRMAN, BOARD, THANK  
16 YOU FOR THE PRIVILEGE OF SPEAKING BRIEFLY TO YOU  
17 TODAY. I DO REPRESENT THE BRADDOCK GROUP, AND MY  
18 RESPONSIBILITIES ARE TO DEVELOP WEST COAST  
19 OPERATIONS FOR TIRE AND RUBBER RECYCLING AND  
20 END-USE PRODUCTS. WE ARE DOING VERY WELL IN  
21 DEVELOPING A PLAN OF PUTTING A SITE IN CENTRAL  
22 CALIFORNIA FOR CONSUMER AND END-USE PRODUCTS.

AND

23 TO THAT END, WE HAVE A HIGH INTEREST IN THE  
24 BRACKETT TIRE PILE.

25 WE ALSO, IN VIEW OF THAT

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DEVELOPMENT

1 PLAN, HAVE -- AS A RESULT OF THAT DEVELOPMENT  
2 PLAN, WE'VE DEVELOPED A FIRE STABILIZATION PLAN  
3 WHICH IS COMPLETE AND SIGNED OFF BY CDF AND COULD  
4 BE IMPLEMENTED IN A MATTER OF THREE TO FIVE WEEKS  
5 FROM THE POINT THAT THIS BOARD HAS ACCESS TO THAT  
6 PROPERTY.

7 SO I WANTED TO LET YOU KNOW THAT  
8 WE'RE HERE. WE'RE IN PROCESS AND WE WILL BE  
9 PUTTING A PLANT SOMEWHERE IN CALIFORNIA. ONE OF  
10 THE CONTRACTS WE CURRENTLY HAVE IS WITH NIKE IN  
11 THE EAST OF THE UNITED STATES TO RECYCLE TENNIS  
12 SHOES, AND WE'RE BEING OFFERED THAT CONTRACT IN  
13 THE WESTERN UNITED STATES AS WELL. AND SO, AGAIN,  
14 I JUST WANTED TO MAKE SURE THAT YOU KNEW THAT WE  
15 WERE IN THAT PROCESS. AND IF YOU HAVE ANY  
16 QUESTIONS, I'D BE HAPPY TO ANSWER THEM.

17 CHAIRMAN FRAZEE: QUESTIONS? IF NOT,  
18 THANK YOU VERY MUCH.

19 NOW, THE ITEM 11 IS BEFORE THE  
20 COMMITTEE FOR DISCUSSION OR ACTION.

21 MEMBER PENNINGTON: MR. CHAIRMAN, I'D  
22 LIKE TO MAKE A MOTION. AND THE MOTION WOULD GO:  
23 THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
24 IS FULLY SUPPORTIVE OF THE EFFORT TO CLEAN UP THE  
25 BRACKETT TIRE PILE; AND, THEREFORE, THE COMMITTEE

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1 INSTRUCTS THE LEGAL STAFF TO CONTINUE ITS EFFORTS  
2 TO NEGOTIATE A SETTLEMENT TO THE EXISTING LEGAL  
3 ACTION AND REPORT BACK TO THE COMMITTEE. AND AT  
4 THAT TIME THE COMMITTEE WILL RECOMMEND TO THE FULL  
5 BOARD THE APPROVAL OR DISAPPROVAL OF A PROPOSED  
6 SETTLEMENT AND ANY FINANCIAL INVOLVEMENT  
7 NECESSARY.

8 MEMBER RELIS: SECOND THAT.

9 CHAIRMAN FRAZEE: THE INTENT, THEN, OF  
10 THAT MOTION IS THAT THIS ITEM NOT BE FORWARDED TO  
11 THE BOARD UNTIL SUCH TIME AS WE HAVE FURTHER  
12 INFORMATION BACK FROM STAFF, CORRECT?

13 MEMBER PENNINGTON: CORRECT.

14 CHAIRMAN FRAZEE: THAT'S ALL THE  
15 DISCUSSION, THEN, ON THAT MOTION, IF WE COULD  
HAVE

16 A ROLL CALL, PLEASE.

17 THE SECRETARY: BOARD MEMBER  
PENNINGTON.

18 MEMBER PENNINGTON: YES.

19 THE SECRETARY: BOARD MEMBER RELIS.

20 MEMBER RELIS: AYE.

21 THE SECRETARY: CHAIRMAN FRAZEE.

22 CHAIRMAN PENNINGTON: AYE. MOTION IS  
23 CARRIED. THAT WILL BE TAKEN.

24 NOW, WE'RE, I BELIEVE, TO -- WHERE

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25 ARE WE?

56

1 MS. RICE: ITEM 6.

2 CHAIRMAN FRAZEE: ITEM 6 IS THE NEXT  
3 ITEM. THIS IS THE CONSIDERATION OF THE ISSUANCE  
4 OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE  
5 OSTROM ROAD SANITARY LANDFILL IN YUBA COUNTY.  
6 STAFF REPORT, PLEASE.

7 MS. RICE: THANK YOU. JOHN WHITEHILL  
8 WILL MAKE THE PRESENTATION FOR BOARD STAFF.  
9 DEBORAH BIERSTEKER REPRESENTING THE LEA IS ALSO  
10 PRESENT.

11 MR. WHITEHILL: GOOD AFTERNOON, COMMITTEE  
12 MEMBERS. THE OSTROM ROAD LANDFILL SITE IS LOCATED  
13 ABOUT FIVE MILES EAST OF HIGHWAY 65 ADJACENT TO  
14 THE SOUTH BOUNDARY OF BEALE AIR FORCE BASE IN AN  
15 AGRICULTURAL AREA OF EAST YUBA COUNTY. THIS NEW  
16 PERMIT WAS ISSUED IN 1993 FOR THIS FACILITY, AND  
17 THE LANDFILL BEGAN ACCEPTING WASTE IN 1995.

18 THE LEA AND OPERATOR PROPOSE TO  
19 REVISE THE 1993 PERMIT TO INCORPORATE THE  
20 FOLLOWING PROPOSED CHANGES: THE LANDFILL HAS BEEN  
21 RECLASSIFIED BY THE WATER BOARD FROM A CLASS III  
22 TO A CLASS II DISPOSAL SITE, WHICH WILL ALLOW THE  
23 LANDFILL TO NOW ACCEPT CONTAMINATED SOIL, ASH,  
24 OTHER DESIGNATED AND SPECIAL WASTES. THE PERMIT  
25 WILL ALSO ALLOW THE OPERATOR TO ACCEPT FRIABLE

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1 ASBESTOS. THE PERMITTED PEAK TONNAGE WILL REMAIN  
2 THE SAME, BUT THE AVERAGE TONNAGE WILL INCREASE,  
3 THE CLOSURE DATE WILL CHANGE, TRAFFIC AND HOURS  
4 WILL CHANGE IN THIS PERMIT, AND THE PERMIT WILL  
5 ALLOW THE USE OF ALTERNATIVE DAILY COVER.

6 IN SUMMARY, THE LEA AND THE BOARD  
7 STAFF HAVE DETERMINED THE FOLLOWING: THAT THE  
8 LEAD AGENCY HAS COMPLIED WITH THE REQUIREMENTS OF  
9 CALIFORNIA ENVIRONMENTAL QUALITY ACT, THAT THE  
10 PROPOSED PERMIT IS CONSISTENT WITH THE STANDARDS  
11 ADOPTED BY THE BOARD, THE OPERATION OF THIS  
12 FACILITY IS CONSISTENT WITH THE APPROVED COUNTY  
13 INTEGRATED WASTE MANAGEMENT PLAN. THE BOARD AND  
14 LEA STAFF HAVE DETERMINED THAT THE DESIGN AND  
15 OPERATION IS IN COMPLIANCE WITH STATE MINIMUM  
16 STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL.

17 AT THE TIME THAT THIS AGENDA ITEM  
18 WENT TO PRINT, THE OPERATOR HAD NOT YET SUBMITTED  
19 THE PAPERWORK NECESSARY TO VERIFY THAT THE  
20 FINANCIAL MECHANISM FOR CLOSURE AND POSTCLOSURE  
21 MAINTENANCE WAS ADEQUATELY FUNDED. HOWEVER, BOARD  
22 STAFF HAS SINCE RECEIVED AND REVIEWED THE  
23 DOCUMENTATION AND FOUND IT ADEQUATE.

24 BEFORE I RECOMMEND CONCURRENCE IN  
25 THE ISSUANCE OF THE PROPOSED PERMIT, OUR LEGAL

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1 OFFICE HAS ASKED ME TO SPEAK FOR THE RECORD THAT  
2 THE PERMIT CONTAINS CONDITIONS WHICH COULD BE  
3 CONSIDERED OUTSIDE THE BOARD'S SCOPE OF REGULATORY  
4 AUTHORITY AS AMENDED BY ASSEMBLY BILL 1220.

5 AB 1220 ADDED PROVISIONS TO THE  
6 PUBLIC RESOURCES CODES STATING THAT THE REGIONAL  
7 BOARDS AND THE STATE WATER BOARD SHALL BE THE SOLE  
8 AGENCY REGULATING SOLID WASTE FOR THE PURPOSE OF  
9 PROTECTING THE WATERS OF THE STATE. AND THE THREE  
10 PROPOSED CONDITIONS IN QUESTION AT THIS POINT ARE  
11 17(B)(2), 17(B)(8), AND 17(B)(20). NEVERTHELESS,  
12 STAFF HAS REVIEWED THE PROPOSED PERMIT AND  
13 SUPPORTING DOCUMENTATION AND FOUND THEM TO BE  
14 ACCEPTABLE. AND STAFF RECOMMEND THAT THE BOARD  
15 ADOPT RESOLUTION NO. 97-19, CONCURRING IN THE  
16 ISSUANCE OF SOLID WASTE FACILITY PERMIT NO.  
17 58-AA-0011.

18 DEBORAH BIERSTEKER IS SITTING  
ACROSS

19 FROM ME AND WOULD PROBABLY LIKE TO SPEAK MORE  
20 ABOUT THOSE CONDITIONS IN QUESTION, AND ALSO  
THERE

21 ARE REPRESENTATIVES OF THE OPERATOR HERE TO  
ANSWER  
22 QUESTION.

23 CHAIRMAN FRAZEE: WOULD THE LEA LIKE

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TO

24 TALK ABOUT THOSE THREE CONDITIONS?

25 MS. BIERSTEKER: YES, CHAIRMAN AND

1 COMMITTEE MEMBERS. I'M DEBORAH BIERSTEKER, THE  
2 YUBA/SUTTER LEA. AND I'D LIKE TO GO OVER THOSE  
3 THREE CONDITIONS AND GIVE A LITTLE HISTORY ON  
4 THOSE.

5 FOR THE BENEFIT OF EVERYONE, I'M  
6 GOING TO START WITH 17(B)(20), AND I'LL READ THAT  
7 CONDITION. IT'S ALL STORMWATER RUNOFF IN THE  
8 WASTE CELL SHALL BE TREATED AS LEACHATE UNLESS  
9 PHYSICAL MEASURES, EXAMPLE, BERMS AND FACE SLOPE  
10 ORIENTATION, PREVENT THE POTENTIAL OF INTER-  
11 MINGLING OF STORMWATER THAT HAS BEEN IN CONTACT  
12 WITH WASTE AND STORMWATER WHICH HAS NOT BEEN IN  
13 CONTACT WITH WASTE.

14 AND THIS IS NOT SOLELY A WATER  
15 QUALITY ISSUE, THAT THE STORMWATER RUNOFF FROM  
16 THIS LANDFILL IS DISCHARGED TO LAND. SO I'M NOT  
17 LOOKING AT IT AS SOLELY A WATER QUALITY ISSUE.  
18 THE -- NORMALLY I WOULD LOOK FOR SOMETHING LIKE  
19 THIS TO BE ADDRESSED ADEQUATELY IN THE RDSI, HOW  
20 THEY WERE GOING TO MANAGE RUNOFF FROM THE ACTIVE  
21 FACE VERSUS RUNOFF FROM AREAS THAT DON'T HAVE  
22 EXPOSED WASTE. IT WAS NOT ADEQUATELY ADDRESSED IN  
23 THE RDSI, NOR WAS IT ADDRESSED ADEQUATELY IN THE  
24 WDR'S, NOT SPECIFIC ENOUGH TO ACTUALLY REQUIRE  
25 SOME KIND OF PHYSICAL BARRIERS OR PHYSICAL

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1 MEASURES TO PREVENT THE COMMINGLING OF THESE TWO  
2 TYPES OF WATER. AND THIS CONDITION WAS ADDED TO  
3 THE SOLID WASTE FACILITY PERMIT AT THE  
4 RECOMMENDATION OF ONE OF OUR MEMBERS OF OUR BOARD OF  
5 SUPERVISORS.

6 AND THEN GOING ON TO 17(B)(8), AND  
7 THIS IS A SHORT ONE: AT NO TIME SHALL THE WASTE  
8 BE PLACED WITHIN 100 FEET OF THE HIGH WATER LEVEL  
9 OF BEST SLOUGH.

10 AND I'M LOOKING AT THIS AS NOT  
11 SOLELY A WATER QUALITY ISSUE BECAUSE FOR  
12 PROTECTING THE WASTE CELL FROM INUNDATION AND  
13 WASHOUT. THE WDR'S DO HAVE A ONE HUNDRED FOOT  
14 SETBACK FROM BEST SLOUGH TO THE WASTE CELL. THEIR  
15 REQUIREMENT DOES NOT STATE HIGH WATER. WHEN I  
16 ASKED THEM FOR THEIR INTERPRETATION, THEY SAID  
17 THAT IT'S COMMON PRACTICE THAT IT IS FROM THE HIGH  
18 WATER MARK. AND WHEN I ASKED FOR THAT IN WRITING,  
19 THEY WERE NOT ABLE TO PUT THAT IN WRITING. THEY  
20 FELT THAT THAT WOULD PROBABLY NOT HOLD UP EVEN  
21 THOUGH THE COMMON SENSE INTERPRETATION IS THAT IT  
22 BE FROM HIGH WATER.

23 IF THEY WOULD HAVE BEEN ABLE TO  
24 PROVIDE ME A CONCRETE INTERPRETATION OR SOMETHING  
25 THAT WE COULD RELY ON, I WOULD HAVE FELT THAT I

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1           WOULDN'T HAVE THIS CONDITION IN HERE AT ALL.  
2           RIGHT NOW THE DESIGN OF THE WASTE CELL IS 75 FEET  
3           FROM THE 100-YEAR FLOODPLAIN OF BEST SLOUGH. AND  
4           I DON'T FEEL THAT 75 FEET IS ADEQUATE PROTECTION.  
5           I THINK 100 FEET IS VERY MINIMAL CONSIDERING THAT  
6           WE REQUIRE A ONE HUNDRED FOOT SETBACK FROM A LEACH  
7           LINE TO A WATERWAY. AND WE'RE TALKING ABOUT A  
8           MUCH GREATER SOURCE OF POTENTIAL CONTAMINATION  
9           HERE, A LANDFILL, SO I DON'T FEEL THIS IS  
10          EXCESSIVE. THIS MIGHT BE ABLE TO BE HANDLED  
11          BETTER IN A DIFFERENT WAY IF THE WDR'S WERE MORE  
12          CLEAR OR SOMETHING LIKE THAT, BUT I FELT THIS WAS  
13          THE ONLY WAY TO DEAL WITH THIS AT THIS TIME.

14                 MEMBER RELIS: COULD I JUST ASK. SINCE  
15           YOU ARE REFERRING TO THAT MATTER AND WE HAVE A  
16           MAJOR FLOOD IN THE AREA, WHAT IS THE CURRENT --

17                 MS. BIERSTEKER: PROXIMITY?

18                 MEMBER RELIS: YES.

19                 MS. BIERSTEKER: IT'S PRETTY CLOSE. THE  
20           LANDFILL IS JUST EAST OF WHERE WE'RE HAVING OUR  
21           CURRENT FLOODING. THE FLOODING GOES TO HIGHWAY  
22           70, AND ACTUALLY IT GOES PAST HIGHWAY 70 AND TO  
23           HIGHWAY 65. AND THIS LANDFILL IS JUST TO THE  
EAST

24           OF HIGHWAY 65 PROBABLY FIVE MILES IN A RELATIVELY  
25           FLAT AREA. I MEAN WE'VE PROVEN THAT -- IT'S

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1 FLOODED TWICE THERE IN YUBA COUNTY. I MEAN THESE  
2 AREAS ARE PRONE TO FLOODING. I DO BELIEVE WE  
3 MIGHT HAVE A LITTLE RISE IN ELEVATION, MAYBE A  
4 FOOT OR TWO, BUT BASICALLY IT'S FLAT WHEN YOU ARE  
5 DRIVING OUT THERE. SO I MEAN WE DO HAVE CONCERNS.

6 MOVING ON TO THE LAST CONDITION:  
7 THIS FACILITY MUST COMPLY WITH ALL MONITORING  
8 REQUIREMENTS ESTABLISHED BY THE REGIONAL WATER  
9 QUALITY CONTROL BOARD ORDER NO. 96218, WASTE  
10 DISCHARGE REQUIREMENTS. SHOULD IT BE DETERMINED  
11 UNDER CHAPTER 15 OF THE CALIFORNIA CODE OF  
12 REGULATIONS THAT THE FACILITY HAS CAUSED  
13 GROUNDWATER CONTAMINATION WHICH CONDITION BE  
14 IMMEDIATELY MITIGATED, THEN THE OPERATIONS MAY BE  
15 REQUIRED TO CEASE UNTIL THE APPROPRIATE MITIGATION  
16 MEASURES ARE IMPLEMENTED. SHOULD IT BE DETERMINED  
17 THAT THE CONTAMINATION CANNOT BE MITIGATED, THEN  
18 THE FACILITY MAY BE REQUIRED TO CLOSE PERMANENTLY.

19 I GRANT YOU THIS IS A WATER QUALITY  
20 ISSUE ON THIS ONE. THIS CONDITION WAS IN THE  
21 PREVIOUS SOLID WASTE FACILITY PERMIT THAT WAS  
22 ISSUED IN 1993. THE APPLICANT, NORCAL, SAID  
23 NOTHING ABOUT IT AT THAT TIME. IT WAS NOT

BROUGHT

24 UP AS AN ISSUE AT THIS BOARD, AND NEITHER WAS IT  
25 REQUESTED. WHEN THEY REQUESTED THE REVISION OF

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1 THE PERMIT, IT WAS BASICALLY TO REVISE THE PERMIT  
2 TONNAGE AND TO CHANGE THIS FACILITY FROM A CLASS  
3 III TO A CLASS II. I WAS NOT AWARE THAT THEY  
4 WANTED ME TO CULL EXISTING CONDITIONS OUT OF THIS  
5 PERMIT UNTIL THE LAST MINUTE.

6 THIS ISSUE MIGHT BE DEALT -- IT  
7 MIGHT BE DEALT WITH BETTER SOMEWHERE ELSE. I --  
8 THE COUNTY ADMINISTRATOR AND THE DIRECTOR OF  
9 ENVIRONMENTAL HEALTH HAS GONE OVER THESE  
10 CONDITIONS. THEY FEEL THAT THEY WOULD LIKE THESE  
11 CONDITIONS IN HERE. MAYBE IF THEY STILL FEEL  
12 STRONGLY ABOUT THAT, MAYBE IT NEEDS TO BE DEALT  
13 WITH IN A RESOLUTION OR A LOCAL ORDINANCE, YOU  
14 KNOW, IF IT'S JUST NOT POSSIBLE TO KEEP THIS  
15 CONDITION IN. BUT IT IS KIND OF IRONIC THAT, YOU  
16 KNOW, IT WAS IN THERE IN '93 AND NO ONE SAID  
17 ANYTHING ABOUT IT. AND THE SETBACK, THE 100-FOOT  
18 SETBACK, CONDITION WAS ALSO IN THE PERMIT. SO  
19 THOSE TWO CONDITIONS ARE -- THEY'RE REQUESTING  
20 THAT THOSE BE TAKEN OUT OF AN EXISTING PERMIT.

21 AND THEN I MEAN IT'S NOT EASY  
22 WRITING THESE PERMITS BECAUSE THERE'S

CONFLICT IN

23 STATUTE. I UNDERSTAND AB 1220 AND THAT WE

DON'T

24 WANT TO DUPLICATE AND OVERLAP AND WE DON'T

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WANT TO

25

CONFLICT, BUT THEN WE ALSO HAVE PRC 44012

THAT

1 SAYS THE ENFORCEMENT AGENCY SHALL ENSURE THAT  
2 PRIMARY CONSIDERATION BE GIVEN TO PROTECTING  
3 PUBLIC HEALTH AND SAFETY AND PREVENTING  
4 ENVIRONMENTAL DAMAGE AND THAT THIS BE THE GUIDING  
5 CRITERIA IN WRITING A SOLID WASTE FACILITY PERMIT.  
6 THAT'S WHAT I DID.

7 AND THEN WE HAVE PRC 44014(B). THE  
8 PERMIT SHALL CONTAIN ALL TERMS AND CONDITIONS  
9 WHICH THE ENFORCEMENT AGENCY DETERMINES TO BE  
10 APPROPRIATE FOR THE OPERATION OF THE FACILITY.  
11 THE OPERATOR SHALL COMPLY WITH ALL OF THESE TERMS  
12 AND CONDITIONS OF THE PERMIT.

13 AND THEN WE ALSO HAVE OUR LEA  
14 ADVISORY WHICH SAYS, "HOWEVER, SOMETIMES A PERMIT  
15 CONDITION SERVES SEVERAL PURPOSES AND ITS  
16 INCLUSION MIGHT NOT BE DUPLICATIVE."

17 SO WE'RE REALLY DEALING WITH A GRAY  
18 AREA HERE, AND I GUESS KIND OF A POLICY ISSUE, HOW  
19 WE WANT TO SEE PERMITS AND HOW WE WANT TO DO AT  
20 THE BOARD. THAT'S ALL I HAVE TO SAY RIGHT NOW.

21 CHAIRMAN FRAZEE: THE DILEMMA THAT I  
22 BELIEVE WE FACE IS AN INDICATION BY STAFF THAT  
23 THESE THREE SUBJECT CONDITIONS ARE NOT

APPROPRIATE

24 IN THIS PERMIT. IS THAT A FAIR STATEMENT? AND,

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25                   IN FACT, ARE OFFERING A DISCLAIMER, THAT WE WOULD

1 NOT ENFORCE THOSE CONDITIONS. AND IF WE DON'T  
2 ENFORCE THEM AND TAKE THAT POSITION, THEN I WOULD  
3 HAVE TO ASSUME THAT THE LEA HAS NO AUTHORITY TO  
4 ENFORCE THOSE CONDITIONS, AND THEY WOULD BE OF NO  
5 VALUE IN THE PERMIT TO INCLUDE THEM.

6 THE OTHER PART OF THE DILEMMA THAT  
7 WE'RE IN IS THE FACT THAT, AS I UNDERSTAND IT, WE  
8 DO NOT HAVE THE AUTHORITY TO MODIFY, CHANGE, OR  
9 REMOVE CONDITIONS. IS THAT A FAIR STATEMENT? AT  
10 LEAST I'VE BEEN TOLD WE DON'T HAVE THE AUTHORITY  
11 TO ADD CONDITIONS, SO I'LL HAVE TO ASSUME THAT IF  
12 YOU DON'T HAVE THE AUTHORITY TO ADD, THEN YOU  
13 WOULD NOT HAVE THE AUTHORITY TO DELETE EITHER.

14 MS. RICE: OUR UNDERSTANDING, BASED ON  
15 WHAT JOHN STATED IN OPENING THE DISCUSSION ON THE  
16 PERMIT, WE FELT THERE WAS SUFFICIENT DOUBT AS TO  
17 WHETHER WE HAD THE AUTHORITY TO ENFORCE THESE  
18 PROVISIONS, AND I BELIEVE HE INDICATED THERE COULD  
19 BE AN ISSUE WITH SOME OF THEM. PART OF THE  
20 AMBIGUITY STEMS FROM EXACTLY WHAT MS. BIERSTEKER  
21 HAS BEEN DESCRIBING TO YOU. THERE ARE AREAS WHERE  
22 AN LEA OR BOARD STAFF MAY ARGUE A PROVISION IS  
23 NEEDED THAT APPEARS TO BE A WATER QUALITY  
24 PROVISION, BUT IT'S NEEDED FOR OTHER REASONS. AND  
25 I BELIEVE SHE ALLUDED TO THAT AND TO THE FACT THAT

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1           OUR OWN ADVISORY SPEAKS TO THAT, THAT THAT MAY  
2           OCCUR.

3                       THE OTHER ISSUE THAT SHE SPOKE TO IS  
4           THAT STATUTE IS, IN FACT, IN CONFLICT IN DIFFERENT  
5           AREAS. IT DOES SPEAK TO A PERMIT BEING DRAFTED BY  
6           AN LEA WITH THE TERMS AND CONDITIONS THEY FEEL ARE  
7           APPROPRIATE AND IT INCLUDES BROAD LANGUAGE OF THAT  
8           NATURE, AND THAT IT VERY CLEARLY SPEAKS TO THE  
9           JURISDICTION OF THIS BOARD NOT INCLUDING WATER  
10          QUALITY.

11                      IN GENERAL, I WOULD LIKE TO ADD THAT  
12          THIS RAISES, AS SHE ALSO MENTIONED, A MUCH MORE  
13          FUNDAMENTAL POLICY ISSUE FOR THE BOARD THAT HAS  
14          LESS TO DO WITH THIS INDIVIDUAL PERMIT AND MORE TO  
15          DO WITH HOW WE DEAL WITH PERMITS GENERALLY AND  
16          WHAT ARE APPROPRIATE TERMS AND CONDITIONS IN  
17          PERMITS, WHICH I UNDERSTAND HAS NOT BEEN REVISITED  
18          FOR SOME TIME. AND I THINK WE WOULD FIND, IF WE  
19          DID A REVIEW OF ANY NUMBER OF PERMITS, INCLUDING  
20          MANY THAT ARE ON CALENDAR TODAY, WE WOULD FIND  
21          VERY SIMILAR ISSUES COMING UP.

22                      IT IS, YOU KNOW, AS A RESULT OF THE  
23          OPERATOR HAVING SPECIFIC ISSUES WITH THESE  
24          CONDITIONS THAT IT'S RISEN TO YOUR LEVEL, BUT IT  
25          IS NOT THE CASE THAT THIS IS NOT A COMMON

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1 OCCURRENCE IN PERMITS. AND WE ARE -- STAFF ARE  
2 PERHAPS AT FAULT, MYSELF, FOR NOT HAVING PROVIDED  
3 MORE WORK ON THIS ISSUE, BUT CLEARLY THAT NEEDS TO  
4 BE DONE. WE NEED TO DO A REVIEW OF WHAT KINDS OF  
5 THINGS ARE IN TERMS AND CONDITIONS AND SEE WHICH  
6 OF THOSE RISE TO A LEVEL THAT WE NEED SOME  
7 GUIDANCE FROM THE BOARD ON WHAT IS APPROPRIATE AND  
8 WHAT IS NOT. AND THAT MAY OR MAY NOT LEAD TO THE  
9 NEED FOR REGULATIONS TO CLARIFY MATTERS. I'M NOT  
10 SURE AT THIS POINT. BUT THIS IS A MUCH BIGGER  
11 ISSUE AND IS CERTAINLY NOT SOLELY AN ISSUE WITH  
12 THIS PERMIT AND THE TERMS THAT THIS LEA HAS  
13 BROUGHT FORWARD.

14 CHAIRMAN FRAZEE: AT THIS POINT WE'RE  
15 FACED WITH A DECISION TO APPROVE OR NOT APPROVE  
16 THIS PERMIT, BUT TO APPROVE IT WITH THESE  
17 CONDITIONS AS WRITTEN, BUT WITH AT THIS POINT AN  
18 ORAL DISCLAIMER, NOT EVEN A WRITTEN ONE, AND THOSE  
19 THINGS, EVEN THOUGH THEY'RE IN THE RECORD, TEND TO  
20 BE FORGOTTEN OVER A PERIOD OF TIME. YOU KNOW,  
21 OBVIOUSLY I THINK THE LEA WOULD, IF THERE WERE A  
22 VIOLATION OF ONE OF THESE CONDITIONS, WOULD  
23 ATTEMPT TO ENFORCE AND THEN WE'D BE BACK TO THE  
24 ARGUMENT WHAT DID THE MINUTES OF THE MEETING SAY,  
25 WHAT'S THE RECORD SAY.

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1 MS. TOBIAS: I THINK THAT THE ORIGINAL  
2 PROPOSAL -- AND, STAFF, CORRECT ME IF I'M WRONG --  
3 WAS TO PUT IN THE RESOLUTION SO THAT IT WOULD BE A  
4 WRITTEN RECORD OF THIS.

5 I THINK THAT WHAT MS. RICE AND STAFF  
6 HAVE DISCUSSED IS TRYING TO WORK WITH THE LEA  
7 BETWEEN NOW AND THE BOARD MEETING IN TRYING TO  
8 RESOLVE SOME OF THESE ISSUES. YOU KNOW, TO A  
9 CERTAIN EXTENT, WE HAVE TO LOOK AT THESE IN TERMS  
10 OF A PLAIN MEANING AND, YOU KNOW, READING THEM ON  
11 THE FACE OF THE DOCUMENT.

12 I'VE LISTENED TO DEBORAH'S REASONS  
13 AND WHY SHE'S GOT CERTAIN CONDITIONS IN THERE.  
14 WHEN I LOOKED AT THEM, YOU KNOW, TO A CERTAIN  
15 EXTENT, THEY LOOKED PRETTY DUPLICATIVE OF WDR  
16 CONDITIONS. AT THAT POINT, FROM A LEGAL  
17 STANDPOINT, I HAVE TO KIND OF SAY, "WELL, WE CAN'T  
18 APPROVE SOMETHING. WE'RE SPECIFICALLY RESTRICTED  
19 IN APPROVING ANYTHING THAT'S WITHIN THE  
20 JURISDICTION OF THE STATE WATER BOARD." SO AT  
21 THAT POINT I HAVE TO SAY WE REALLY CAN'T APPROVE,  
22 NOR COULD WE ENFORCE THOSE KINDS OF CONDITIONS.

23 I THINK WE COULD TRY DOING SOME WORK  
24 ON THIS BETWEEN NOW AND THE BOARD MEETING TO SEE  
25 IF WE CAN RESOLVE SOME OF THIS OR AT LEAST COME UP

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1 WITH -- I ALSO THINK THAT DOROTHY IS CORRECT IN  
2 THAT NOW THAT WE'RE FINISHING OFF THE 1220  
3 REGULATIONS, WE HAVE SOME WORK TO DO WITH THE  
4 LEA'S IN TERMS OF PERMIT CONDITIONS AND, YOU KNOW,  
5 WHAT SHOULD BE IN THERE AND WHAT THE BOARD REALLY  
6 DOESN'T HAVE JURISDICTION OR AUTHORITY TO APPROVE.

7 MEMBER PENNINGTON: MR. CHAIRMAN, IF  
8 THERE'S NO OTHER PERSON TO SPEAK, I'D LIKE TO GO  
9 AHEAD AND MOVE THIS. DID YOU HAVE A SLIP IN ON  
10 THIS ITEM, LARRY?

11 MR. SWEETSER: NO, WE DID NOT. WE WERE  
12 WAITING TO SEE HOW THE DISCUSSION WENT.

13 CHAIRMAN FRAZEE: SPEAK NOW OR FOREVER  
14 HOLD YOUR PIECE.

15 MR. SWEETSER: I ALWAYS MUCH PREFER TO  
16 STAND IN THE BACK OF THE ROOM AND JUST SAY DO YOU  
17 HAVE ANY QUESTIONS. MY NAME IS LARRY SWEETSER,  
18 DIRECTOR OF REGULATORY AFFAIRS FOR NORCAL WASTE  
19 SYSTEMS. AND I WANT TO MAKE SURE EVERYBODY IS  
20 ASSURED THAT THIS IS NOT ANY ISSUE PER SE IN  
21 REGARDS TO LEA'S OR OPERATORS OR ANY REAL  
22 ENVIRONMENTAL OR HEALTH AND SAFETY THREATS GOING  
23 ON OUT THERE. THIS IS THE BROADER ISSUE, AND I  
24 THINK DOROTHY HIT IT EXACTLY, THE BIGGER ISSUE OF  
25 HOW DO YOU DEAL WITH THESE THINGS NOW. 1220 IS

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1 UPON US. NOW WE HAVE TO FIGURE OUT HOW TO  
2 IMPLEMENT IT. A DELINEATION OF RESPONSIBILITY IS  
3 GOING TO BE A HARD ONE TO DEAL WITH. THESE  
4 CONDITIONS AND OTHERS, AS DOROTHY HAD SAID, HAVE  
5 BEEN IN PERMITS FOR A LONG TIME.

6 PART OF THE PURPOSE THAT WE THOUGHT  
7 OF 1220 WAS TO TRY AND GET IT TO A POINT WHERE WE  
8 DON'T HAVE TO GO THROUGH THIS ENDLESS CYCLE OF  
9 TAKING A PERMIT AND HAVING A CONDITION TO ONE  
10 PERMIT GOING TO ANOTHER PERMIT, LIKE A WATER BOARD  
11 PERMIT, AND HAVING A CONDITION LIKE THAT, MAKE ONE  
12 CHANGE, WE HAVE TO GO BACK AND MAKE ANOTHER CHANGE  
13 TO ANOTHER PERMIT. THAT GETS VERY EXPENSIVE ON US  
14 AS OPERATORS.

15 SO WE'RE LOOKING TO BREAK THAT  
16 CYCLE, AND THAT'S WHY THIS ISSUE HAS COME TO THE  
17 POINT IT HAS, AS WELL AS THE NATURE OF SOME OF  
18 THOSE ISSUES, TWO OF THE POINTS WERE RAISED. SO  
19 UNTIL NOW -- THERE IS A HEALTH AND SAFETY CODE  
20 PART OF THE PUBLIC RESOURCES CODE SECTION THAT I  
21 PROVIDED SOME OF YOU, BUT IT BASICALLY IS THE  
22 STATEMENT FROM THEIR DEALING WITH DELINEATION OF  
23 RESPONSIBILITY AND HAVING PERMITS AND PLANS NOT BE  
24 DUPLICATIVE OR IN CONFLICT WITH THE WATER BOARD.  
25 THAT'S PRETTY CLEAR TO US AS FAR AS THOSE ISSUES

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1 GO, THAT THERE SHOULDN'T BE ANY DUPLICATION IN  
2 THAT REGARDS OR ANY CONFLICT.

3 AND SO WITH THAT, THE SPECIFIC ISSUE  
4 WE'VE GOT, WE'RE NOT AS CONCERNED -- AND I SEE  
5 SOME OF THE WASTE BOARD ISSUES AND AUTHORITY  
6 DEALING WITH THE FIRST PROVISION OF 17, THE  
7 STORMWATER AND LEACHATE. THERE ARE GOING TO BE  
8 SOME ISSUES THERE THAT I THINK THE WASTE BOARD  
9 NEEDS TO LOOK AT, AND THOSE ARE THE KIND OF ISSUES  
10 WE'LL CONTINUE THROUGH AS WE IMPLEMENT 1220, WHERE  
11 THERE'S SOME INPUT OR PURVIEW OF ONE BOARD OVER  
12 ANOTHER.

13 ISSUE NO. 2, THE ONE WITH DEALING  
14 WITH THE WATER BOARD AND WHAT HAPPENS IF WE HAVE  
15 SOME SORT OF EXCEEDANCE. THE FIRST STATEMENT IS  
16 FINE. THAT'S TYPICAL, JUST REITERATION OF WHAT  
17 CAN HAPPEN OUT THERE. THE REST OF THE SENTENCE  
18 CAN BE A PROBLEM. GROUNDWATER MONITORING IS NOT  
19 THE EASIEST THING TO DO. I'VE GOT SOMEONE TO  
20 ADDRESS THAT SPECIFIC ISSUE HERE IF WE NEED TO.  
21 BUT IN CASES OF LIKE WITH A LYSIMETER OR SOMETHING  
22 ELSE, THEY HAVE A LOT OF FALSE POSITIVES THAT CAN  
23 EXIST. THIS PROVISION COULD SAY, AND WE -- THAT  
24 WE'D HAVE TO SHUT DOWN THAT FACILITY BASED UPON  
25 ONE ISSUE THAT MAY NOT BE VERIFIED. AND I DON'T

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1 THINK THAT'S WHAT ANYBODY WANTS TO BE DOING, BUT  
2 THAT COULD BE AN INTERPRETATION YEARS FROM NOW AS  
3 WE DEAL WITH THIS FACILITY. SO WE'RE TRYING TO  
4 GET THIS PERMIT CLEANED UP AND TRYING TO GET

THOSE

5 PROVISIONS OUT OF THERE.

6 THE SECOND ITEM DEALING WITH THE  
7 HIGH WATER MARK, PART OF THAT SENTENCE WAS IN

OUR

8 WDR. IT JUST WAS NOT REFERENCED AS THE HIGH  
WATER

9 MARK. FOR WHATEVER REASONS, THE WATER BOARD  
DID

10 NOT ADDRESS THAT SPECIFIC IN THE PROVISION OF  
HOW

11 WE SHOULD BE LOOKING AT THAT. AND WHAT THAT  
DOES,

12 IT CREATES A NUMBER OF OPERATIONAL CONSTRAINTS  
FOR

13 OUR FACILITY AS FAR AS CAPACITY OR ENGINEERING  
14 GOES. SO THE FIRST TIME IT CAME UP IS PART OF  
15 THIS PERMIT.

16 SO WHAT WE'RE LOOKING AT IS  
TRYING

17 TO GET A COUPLE OF THESE PROVISIONS OUT OF

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THERE ,

18 BUT THOSE TWO, MAINLY TWO AND EIGHT. STATEMENT

OF

19 UNENFORCEABILITY FOR THOSE PROVISIONS REALLY

20 DOESN'T HELP EVEN IF IT'S MADE CLEAR THAT THE

21 BOARD OR THE LEA UNDER THE PUBLIC RESOURCES

CODE

22 CANNOT ENFORCE THOSE CONDITIONS, AND THERE MAY

BE

23 OTHER AUTHORITY. THAT REALLY DOESN'T HELP US

IN

24 THE SHORT TERM FOR THIS ISSUE OR ANY OF US IN

THE

25 LONG TERM WITH THIS ISSUE. WE NEED TO BE

TAKING A

1 LOOK AT THE BROADER 1220 ISSUE ON HOW YOU  
2 IMPLEMENT THAT.

3 IT DOESN'T COME OFF VERY WELL TO  
4 HAVE PERMITS OUT THERE WITH CONDITIONS THAT ARE  
5 UNENFORCEABLE. JUST IT'S NOT A GOOD POLICY FOR  
6 THAT.

7 WE'RE NOT QUESTIONING ALSO THE LEA'S  
8 AUTHORITY TO IMPOSE MORE STRINGENT CONDITIONS.  
9 THAT'S ALWAYS BEEN A CASE. YOU HAVE TO DO THAT.  
10 YOU HAVE TO ACCOUNT FOR SITE CONDITIONS WHEN IT'S  
11 THE WASTE BOARD'S PURVIEW. AND THESE TWO ISSUES,  
12 WE FEEL IT'S THE WATER BOARD'S PURVIEW. AND IF  
13 THERE'S A QUESTION OF ENFORCEABILITY OR THE NEED  
14 TO HAVE THOSE CONDITIONS STRENGTHENED, WE THINK IT  
15 WOULD BE APPROPRIATE FOR REFERRAL BACK TO THEM TO  
16 LOOK, NOT FOR THE WASTE BOARD TO SECOND GUESS WHAT  
17 THE WATER BOARD IS DOING.

18 WE JUST FINISHED OUR WDR. THESE  
19 ISSUES WERE NOT RAISED BEFORE THEM. AND SO WE'RE  
20 NOW HAVING TO COME BEFORE YOU TRYING TO GET THESE  
21 PROVISIONS STRAIGHTENED OUT.

22 IF YOU HAVE ANY SPECIFIC QUESTIONS  
23 REGARDING THE SITE, I HAVE DON GAMBLIN, WHO'S BEEN  
24 WORKING ON THIS PERMIT FOR A WHILE AT THE SITE,  
25 THAT CAN ADDRESS ANY OF THOSE. WITH THAT, WE

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1 LEAVE IT IN YOUR HANDS.

2 MEMBER RELIS: JUST OBSERVATION. THIS IS  
3 A RATHER NEW INSTANCE. I'VE BEEN ON PERMITS  
4 COMMITTEE FOR FIVE AND A HALF YEARS, AND I'VE  
5 NEVER ENCOUNTERED A SITUATION LIKE THIS. AND I  
6 KNOW THAT WE'VE ENCOUNTERED SITUATIONS WHERE WE  
7 WONDERED ABOUT CONDITIONS, BUT IT WAS ALWAYS THE  
8 INSTRUCTION AT LEAST WE RECEIVED FROM COUNSEL, AND  
9 I REMEMBER MANY DISCUSSIONS WHEN WE WERE A LITTLE  
10 BIT IN THE WATER BUSINESS OR THERE WAS THE GRAY  
11 AREA AT THAT TIME, AND THAT WE DID NOT ALTER  
12 CONDITIONS. THESE ARE NOT CONDITIONAL PERMITS.  
13 THEY WERE PRESENTED FACE VALUE.

14 SO I WOULD HOPE THAT IF THERE IS  
15 TIME IN THE INTERVENING WEEK TO HAVE THE PARTIES  
16 SIT DOWN AND DEAL WITH THE PERMIT ISSUES, BUT I  
17 WOULD FEEL VERY RELUCTANT TRYING TO ALTER  
18 CONDITIONS BASED ON OUR LONG HISTORY HERE. I  
NEED  
19 TO DO THAT IN SOME BROADER POLICY CONTEXT. SO  
20 I'LL LEAVE IT AT THAT.

21 MEMBER PENNINGTON: MR. CHAIRMAN, I  
THINK

22 IT'S PRETTY CLEAR THAT THESE ARE WATER BOARD  
23 ISSUES AND THAT THEY HAVE TO BE DEALT WITH IN  
SOME

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24 FASHION. I DON'T THINK WE'RE THE RIGHT ONES TO  
DO  
25 THAT. ALSO, I DON'T BELIEVE THAT WE WOULD -- I



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1 MEMBER PENNINGTON: AYE.

2 THE SECRETARY: BOARD MEMBER RELIS.

3 MEMBER RELIS: AYE.

4 THE SECRETARY: CHAIRMAN FRAZEE.

5 CHAIRMAN PENNINGTON: AYE. MOTION IS

6 CARRIED.

7 NOW, WE'RE READY TO GO TO AGENDA  
8 ITEM 7, THE CONSIDERATION OF A REVISED SOLID WASTE  
9 FACILITY PERMIT FOR THE WESTERN REGIONAL SANITARY  
10 LANDFILL IN PLACER COUNTY.

11 MS. RICE: THANK YOU. SADIE GALOS WILL  
12 MAKE THE PRESENTATION FOR STAFF. DAVE ALTMAN,  
13 REPRESENTATIVE OF THE LEA, IS ALSO HERE.

14 MS. GALOS: YES. GOOD MORNING, MR.  
15 CHAIRMAN AND COMMITTEE MEMBERS. I PASSED OUT THE  
16 RESOLUTION THAT WASN'T IN THE AGENDA PACKET. IT'S  
17 RESOLUTION NO. 97-27.

18 WESTERN REGIONAL SANITARY LANDFILL  
19 IS LOCATED IN AN UNINCORPORATED AREA OF PLACER  
20 COUNTY BETWEEN LINCOLN AND ROSEVILLE. IT'S IN AN  
21 AGRICULTURAL AREA. THE FACILITY BEGAN OPERATING  
22 IN 1979, AND THE CURRENT PERMIT WAS ISSUED IN  
23 1983. THE MUNICIPAL SOLID WASTESTREAM FROM THE  
24 CITIES OF AUBURN, KOFAX, LINCOLN, LOOMIS,

ROCKLIN,

25 ROSEVILLE, AND THE UNINCORPORATED AREAS OF

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PLACER

1 COUNTY FIRST PASS THROUGH THE ADJACENT MATERIALS  
2 RECOVERY FACILITY WHERE WEIGHING AND FEE  
3 COLLECTION OPERATIONS OCCUR. UNRECOVERABLE  
4 RESIDUES FROM THE MRF ARE DELIVERED TO THE  
5 LANDFILL BY TRANSFER TRUCKS.

6 THE PROPOSED PERMIT REVISION BEFORE  
7 THE COMMITTEE TODAY WOULD CHANGE THE OPERATOR FROM  
8 WESTERN PLACER RECOVERY COMPANY TO THE WESTERN  
9 PLACER WASTE MANAGEMENT AUTHORITY, INCREASE THE  
10 MAXIMUM ALLOWABLE TONNAGE FROM 350 TONS PER DAY TO  
11 1200 TONS PER DAY, CHANGE THE HOURS OF OPERATION,  
12 INCREASE THE PERMITTED DEPTH OF EXCAVATION FROM 35  
13 TO 42 FEET BELOW EXISTING GRADES, AND INCREASE THE  
14 PERMITTED FINAL GRADE ELEVATION FROM 35 TO 60 FEET  
15 ABOVE EXISTING GRADES TO A MAXIMUM ELEVATION OF  
16 180 FEET ABOVE MEAN SEA LEVEL.

17 REVISION WOULD ALSO REDUCE THE  
18 FACILITY BOUNDARY SIZE FROM 320 ACRES TO 291  
19 ACRES. IT WOULD ALSO INCLUDE CONSTRUCTION OF  
20 BASELINERS AND FINAL COVER FOR LANDFILL MODULES,  
21 INCLUDES ADDITION OF LEACHATE COLLECTION AND GAS  
22 CONTROL SYSTEM, AND CONSTRUCTION OF 3- TO 6-FOOT  
23 VISUAL SCREENING MOUNDS ALONG THE LANDFILL  
24 PERIMETER. AND ALSO IF APPROVED BY THE CENTRAL  
25 VALLEY REGIONAL WATER QUALITY BOARD, DESIGNATED

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1 WASTE WOULD BE ACCEPTED PURSUANT TO PROPOSED WASTE  
2 DISCHARGE REQUIREMENTS THAT PROPOSE IN PART TO  
3 RECLASSIFY PORTIONS OF THE LANDFILL FROM CLASS III  
4 TO CLASS II. PROPOSED DESIGNATED WASTES INCLUDES  
5 MAINLY SLUDGE AND ASH.

6 THE LOCAL ENFORCEMENT AGENCY AND  
7 BOARD STAFF INSPECTED THE FACILITY ON DECEMBER 11,  
8 1996, AND FOUND IT IN COMPLIANCE WITH STATE  
9 MINIMUM STANDARDS. HOWEVER, THE NOVEMBER 1996 GAS  
10 SAMPLING RESULTS FROM CONSULTING ENGINEERS,  
11 HOLDREDGE & KULL, INDICATE TWO GAS MONITORING  
12 WELLS WITH READINGS OF METHANE GAS IN EXCESS OF 5  
13 PERCENT OF THE FACILITY BOUNDARY, WHICH IS A  
14 VIOLATION OF TITLE 14 OF THE CALIFORNIA CODE OF  
15 REGULATIONS SECTION 17258.23.

16 THEN ON DECEMBER 18, 1966, AFTER THE  
17 COMMITTEE AGENDA ITEM WENT TO PRINT, MONITORING  
18 INDICATED GAS LEVELS WERE IN COMPLIANCE AT THAT  
19 TIME. SO TO ADDRESS THE FLUCTUATING GAS

READINGS

20 WHICH AT TIMES EXCEED COMPLIANCE LEVELS, THE

LEA

21 HAS ISSUED NOTICE AND COMPLIANCE SCHEDULE ORDER  
22 NO. 96-01, DATED DECEMBER 20, 1996.

23 THE NOTICE AND ORDER CONTAINS  
24 CORRECTIVE ACTION AND COMPLIANCE DEADLINES. IT

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25 STATES THAT IN THE EVENT LANDFILL GAS IS  
BROUGHT

1 UNDER CONTROL FOR A PERIOD OF THREE CONSECUTIVE  
2 MONTHS, THE INTENT OF THE NOTICE AND COMPLIANCE  
3 ORDER WILL BE CONSIDERED FULFILLED AND THE  
4 REMAINING TASK COMPLETION DATES ARE NO LONGER  
5 BINDING.

6 THE LEA AND BOARD STAFF HAVE  
7 DETERMINED THAT THE FACILITY'S DESIGN AND  
8 OPERATION ARE CURRENTLY IN COMPLIANCE WITH STATE  
9 MINIMUM STANDARDS FOR SOLID WASTE HANDLING AND  
10 DISPOSAL. THE FACILITY IS IDENTIFIED AND  
11 DESCRIBED IN THE PLACER COUNTY SITING PLAN AND IS  
12 IN CONFORMANCE WITH THE PLACER COUNTY GENERAL  
13 PLAN, AND THE ENVIRONMENTAL IMPACT REPORT

PREPARED

14 FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL  
15 QUALITY ACT IS ADEQUATE FOR THE BOARD'S  
16 EVALUATION.

17 IN CONCLUSION, STAFF RECOMMEND THAT  
18 THE BOARD ADOPT RESOLUTION 97-27, CONCURRING IN  
19 THE ISSUANCE OF SOLID WASTE FACILITY PERMIT  
20 31-AA-O210. I BELIEVE MR. BUD FRISCHE IS HERE IN  
21 THE AUDIENCE AND TOM MARTIN WHO REPRESENTS THE  
22 OWNER AND PROPOSED OPERATOR, AND MR. CHRIS CHOATE  
23 AND DAVE PUENTE ARE ALSO HERE REPRESENTING THE  
24 CURRENT OPERATOR, WESTERN PLACER RECOVERY

COMPANY.

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25

CHAIRMAN FRAZEE: YOU WISH TO MAKE A

1 STATEMENT?

2 MR. ALTMAN: I HAVE NO STATEMENT  
3 SPECIFICALLY OTHER THAN I'LL ANSWER ANY QUESTIONS  
4 YOU MAY HAVE.

5 MEMBER RELIS: MR. CHAIR, I HAVE A  
6 QUESTION FOR THE LEA. WHAT'S YOUR BASIS ON THE  
7 GAS SITUATION TO PICK THREE MONTHS? WHAT'S THE  
8 SCIENCE BEHIND THAT?

9 MR. ALTMAN: NO SPECIFIC SCIENCE OTHER  
10 THAN WHAT WE'VE SEEN IN THE PAST. WE'VE HAD A  
11 COUPLE WELLS THAT HAVE GONE BELOW THE 5-PERCENT  
12 LEVEL AND THEN HAVE GONE BACK UP, AND WE JUST WANT  
13 TO SEE A CONSISTENT READING FOR A WHILE PRIOR TO  
14 SAYING IT'S FINE, IT'S GONE AWAY.

15 MEMBER RELIS: BUT IS THERE -- DO YOU  
16 ADJUST AT ALL FOR SEASONS, OR IS IT JUST THREE  
17 MONTHS IS A GOOD NUMBER, THAT SHOULD BE LONG  
18 ENOUGH? I TAKE IT THAT'S WHAT --

19 MR. ALTMAN: BASICALLY THAT WAS THE  
20 DECISION IS THREE MONTHS SOUNDED REASONABLE.

21 MEMBER RELIS: DO WE HAVE EXPERIENCE?  
22 JUST ASK STAFF. FROM OTHER SITUATIONS LIKE THIS,  
23 HOW LONG DO WE -- HOW LONG DOES THE TIME RANGE?  
24 OR IS THERE ANY -- WHAT'S OUR EXPERIENCE WHERE WE  
25 WAIT TO SEE IF AN AREA BECOMES ELEVATED AGAIN OR

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1 NOT?

2 MS. RICE: I DON'T KNOW THAT THERE'S A  
3 SPECIFIC STANDARD. IT'S PROBABLY FAIRLY CASE  
4 SPECIFIC.

5 CHAIRMAN FRAZEE: IS THERE NOT CONTINUING  
6 MONITORING, THOUGH?

7 MR. ALTMAN: YES, THERE IS.

8 CHAIRMAN FRAZEE: EVEN AFTER -- THE THREE  
9 MONTHS IS ONLY FOR THE PURPOSE OF LIFTING THE  
10 NOTICE AND ORDER.

11 MR. ALTMAN: THAT'S CORRECT.

12 CHAIRMAN FRAZEE: THEN IF YOU HAVE A  
13 CONTINUED OCCURRENCE OF ELEVATED GAS, YOU MIGHT  
14 AGAIN REIMPOSE THAT?

15 MR. ALTMAN: THAT'S CORRECT. ALSO IF  
16 NEED BE, ALL THE VARIOUS TASKS THAT ARE SET UP IN  
17 THE NOTICE AND ORDER WILL INCLUDE CLOSURE OF SOME  
18 OF THE EARLY MODULES WHICH ARE IN THE AREA WHERE  
19 WE'RE SEEING A GAS PRODUCTION, THE ADDITION OF  
20 SOME INFILL WELLS WHICH WE THINK WILL DRAW THE GAS  
21 BACK FROM THE PERIMETER BACK TOWARDS THE CENTER OF  
22 THE SITE TO DISPOSE OF IT, AND THEN FINAL -- THE  
23 LAST CONDITIONS OF THE NOTICE AND ORDER WOULD BE  
24 THEY SHALL NOT HAVE ANY GAS MIGRATING OFF-SITE IN  
25 EXCESS OF 5 PERCENT.

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1                   CHAIRMAN FRAZEE:   WERE -- ANY OF THE  
2                   INDIVIDUALS WHO ARE HERE WITH INTEREST IN THE SITE  
3                   WISH TO SPEAK ON THIS ITEM?   WE DO NOT HAVE  
4                   SPEAKER SLIPS.

5                   MR. FRISCHE:   I HAVE NO COMMENT.

6                   MEMBER PENNINGTON:   ONE THING THAT  
7                   STRIKES ME KIND OF STRANGE, IF I READ THE STAFF  
8                   REPORT RIGHT, THE WPWMA, WHICH IS THE WESTERN  
9                   PLACER WASTE MANAGEMENT AUTHORITY, IS ALSO THE  
10                  LEAD AGENCY.   THEY'RE THE OWNER AND OPERATOR AND  
11                  THEY'RE THE LEAD AGENCY; IS THAT RIGHT?

12                  MR. ALTMAN:   THAT'S CORRECT.   THE WAY  
13                  CEQA IS ESTABLISHED, A GOVERNMENT AGENCY CAN BE  
14                  THE LEAD AGENCY.   CURRENTLY THEY'RE NOT THE  
15                  OPERATOR.

16                  CHAIRMAN FRAZEE:   THIS PERMIT MAKES THEM  
17                  THE OPERATOR.

18                  MR. ALTMAN:   THAT'S CORRECT.

19                  MEMBER PENNINGTON:   KIND OF LIKE THE FOX  
20                  GUARDING THE HEN HOUSE.

21                  CHAIRMAN FRAZEE:   WE HAVE THE ITEM BEFORE  
22                  US, THEN, IF THERE'S A MOTION.

23                  MEMBER RELIS:   I'LL MOVE CONCURRENCE.

24                  MEMBER PENNINGTON:   I'LL SECOND.

25                  CHAIRMAN FRAZEE:   WE HAVE A MOTION AND

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1 SECOND. WE HAVE THE RESOLUTION NOW. THIS WOULD  
2 BE ON ADOPTION OF RESOLUTION 97-27. SECRETARY  
3 WILL CALL THE ROLL, PLEASE.

4 THE SECRETARY: BOARD MEMBER PENNINGTON.  
5 MEMBER PENNINGTON: AYE.

6 THE SECRETARY: BOARD MEMBER RELIS.  
7 MEMBER RELIS: AYE.

8 THE SECRETARY: CHAIRMAN FRAZEE.

9 CHAIRMAN PENNINGTON: AYE. MOTION IS  
10 CARRIED. ANY OBJECTION TO RECOMMENDING CONSENT ON  
11 THIS ITEM? IF NOT, WE WILL DO THAT, RECOMMEND  
12 CONSENT TO THE FULL BOARD.

13 NOW, WE ARE READY FOR ITEM 8, THE  
14 CONSIDERATION OF A NEW STANDARDIZED PERMIT FOR THE  
15 CITY OF MODESTO CO-COMPOSTING FACILITY.

16 MS. RICE: THANK YOU. BOB HOLMES WILL  
17 MAKE THIS PRESENTATION FOR STAFF. WE ARE EA, SO  
18 THERE IS NO LEA PRESENT.

19 MR. HOLMES: GOOD AFTERNOON, MR. CHAIR  
20 AND MEMBERS OF THE COMMITTEE. FOR ITS INITIAL  
21 OPERATIONS, THE CITY OF MODESTO INTENDS TO  
22 CO-COMPOST CLASS B BIOSOLIDS FROM ITS SECONDARY  
23 WASTEWATER TREATMENT SYSTEM AND GREEN MATERIAL  
24 FEEDSTOCKS GENERATED BY THE RESIDENTIAL AND LIGHT  
25 COMMERCIAL WASTESTREAMS WITHIN THE CITY.

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1 THE FACILITY IS LOCATED AT THE  
2 CITY'S SECONDARY WASTEWATER TREATMENT FACILITY IN  
3 SOUTH STANISLAUS COUNTY. CO-COMPOSTING OPERATIONS  
4 WOULD OCCUR ON 30 ACRES OF THE TREATMENT  
5 FACILITY'S 1300 ACRES. THE CITY OWNS  
6 APPROXIMATELY 4,000 ACRES AT THIS LOCATION.

7 THE REQUESTED DAILY CAPACITY OF THE  
8 SITE IS 500 TONS OR 1,000 CUBIC YARDS, WITH THE  
9 SITE HOLDING CAPACITY OF 21,666 TONS OR 43,332  
10 YARDS. THE PEAK ANNUAL THROUGHPUT WOULD BE  
11 APPROXIMATELY 13,000 TONS OR 26,000 YARDS.

12 POULTRY OR COW MANURE MAY BE USED IN  
13 THE EVENT THAT AN ADDITIONAL SOURCE OF NITROGEN IS  
14 REQUIRED. ONCE THE BIOSOLIDS CO-COMPOSTING  
15 OPERATIONS ARE UNDER WAY FOR CITY FEEDSTOCKS, THE  
16 CITY WILL EVALUATE THE ECONOMIC FEASIBILITY OF  
17 ACCEPTING FEEDSTOCKS FROM OTHER SOURCES, INCLUDING  
18 GREEN MATERIALS FROM OTHER COMMUNITIES, MANURES,  
19 PLANT WASTE FROM THE FOOD PROCESSING INDUSTRY, AND  
20 OTHER GREEN MATERIALS.

21 THERE IS ONE CEQA RELATED ISSUE  
22 ASSOCIATED WITH THIS PROPOSED PERMIT. BOARD STAFF  
23 HAVE IDENTIFIED SOME APPARENT DIFFERENCES IN THE  
24 JANUARY 1995 CERTIFIED NEGATIVE DECLARATION AND  
25 THE PERMIT APPLICATION. BOARD STAFF WORKED WITH

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1 THE CITY TO CLARIFY THESE APPARENT DIFFERENCES;  
2 AND AS A RESULT, THE CITY PREPARED AN ADDENDUM TO  
3 THE NEG DEC.

4 THE ADDENDUM IS A CONSENT ITEM ON  
5 THE MODESTO CITY COUNCIL'S BOARD MEETING THIS  
6 EVENING. SO WE SHOULD HAVE A DECISION BY THE CITY  
7 COUNCIL AND A DETERMINATION OF CEQA COMPLIANCE  
8 BEFORE THE BOARD MEETING ON THE 22D.

9 BOARD STAFF HAVE DETERMINED THAT THE  
10 FACILITY MEETS ALL OTHER REQUIREMENTS, INCLUDING  
11 CONFORMANCE WITH THE COUNTY'S INTEGRATED WASTE  
12 MANAGEMENT PLAN AND CONFORMANCE WITH STATE MINIMUM  
13 STANDARDS. BECAUSE OF THE PENDING ACTION BY THE  
14 CITY COUNCIL, WE DO NOT HAVE A RECOMMENDATION FOR  
15 YOU AT THIS TIME AND WOULD URGE YOU TO FORWARD IT  
16 TO THE BOARD WITH NO RECOMMENDATION.

17 THE CITY IS NOT IN ATTENDANCE TODAY.  
18 I THINK THEY HAVE THEIR HANDS FULL WITH SOME OF  
19 THE FLOODING, AND THEY HAVE -- THEIR PRIMARY  
20 TREATMENT FACILITY IS UNDERWATER RIGHT NOW, SO I  
21 THINK THEY'RE DEALING WITH THAT. THAT CONCLUDES  
22 MY PRESENTATION.

23 MEMBER RELIS: IS THIS SITE UNDERWATER  
24 NOW? DOES ANYONE KNOW?  
25 MR. HOLMES: I CAN'T BE CERTAIN. IT IS

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1           ADJACENT TO THE SAN JOAQUIN SOUTH OF THE AREA  
2           WHERE THERE WAS A LEVEE BREAK, SO I DON'T BELIEVE  
3           THERE'S WIDESPREAD FLOODING IN THIS AREA.  THERE'S  
4           NOTHING THERE IN TERMS OF THIS FACILITY OTHER  
5           THAN --

6                   MEMBER RELIS:  JUST CURIOUS.  MR. CHAIR,  
7           I'D MOVE FORWARD WITHOUT RECOMMENDATION.

8                   MEMBER PENNINGTON:  SECOND.

9                   CHAIRMAN FRAZEE:  WE HAVE A MOTION AND  
10          SECOND TO MOVE THIS ITEM, THE MODESTO  
11          CO-COMPOSTING FACILITY, TO THE BOARD'S AGENDA  
12          WITHOUT RECOMMENDATION AT THIS TIME.  IF THERE'S  
13          NO OBJECTION, WE'LL SUBSTITUTE THE PREVIOUS ROLL  
14          CALL ON THIS ITEM.

15                   NOW WE'RE READY FOR ITEM 9.  THIS IS  
16          THE CONSIDERATION OF CONCURRENCE IN THE ISSUANCE  
17          OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE  
18          CITY OF SANTA CRUZ CLASS III SANITARY LANDFILL IN  
19          SANTA CRUZ COUNTY.

20                   MS. RICE:  THANK YOU.  JEFF HACKETT WILL  
21          PRESENT THIS ITEM AND THE NEXT ITEM.

22                   MR. HACKETT:  GOOD AFTERNOON.  CITY OF  
23          SANTA CRUZ LANDFILL IS OWNED AND OPERATED BY THE  
24          CITY OF SANTA CRUZ AND IS LOCATED ABOUT THREE  
25          MILES WEST OF THE CITY.  THE SITE FIRST BEGAN

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1 OPERATIONS BACK IN THE 1920S AS A BURN DUMP AND  
2 RECEIVED ITS FIRST SOLID WASTE FACILITIES PERMIT  
3 IN 1978. THE PERMIT WAS SUBSEQUENTLY REVISED IN  
4 1994 TO REFLECT SEVERAL CHANGES IN DESIGN AND  
5 OPERATION, INCLUDING A PEAK LOADING OF 400 TONS  
6 PER DAY AND A MAXIMUM ELEVATION OF 510 FEET MEAN  
7 SEA LEVEL.

8 THE PERMIT BEFORE YOU IS TO REFLECT  
9 SEVERAL CHANGES IN THE DESIGN AND OPERATION  
10 PROPOSED AT THIS TIME, INCLUDING AN INCREASE IN  
11 THE SOLID WASTE DISPOSAL FOOT- PRINT FROM 40 ACRES  
12 TO 67 ACRES, WHICH WILL EXTEND THE SITE LIFE TO  
13 THE YEAR 2037, ONGOING USE OF GEOSYNTHETIC  
14 BLANKETS AS AN ALTERNATIVE DAILY COVER, ACCEPTANCE  
15 OF NONHAZARDOUS LEATHER PROCESSING SLUDGE FROM  
16 SALZ LEATHERS INCORPORATED AS PART OF THE  
17 INDUSTRIAL WASTESTREAM, AND A CHANGE IN THE FINAL  
18 GRADING PLAN FROM 500 FEET PEAK AND GRADUAL SLOPE  
19 TO A 510-FOOT PLATEAU.

20 THE FACILITY IS A CANYON FILL  
21 OPERATION, AND THE CITY PLANS TO CONVERT THE  
22 FORMER LEACHATE EVAPORATION PONDS ON THE EASTERN  
23 PORTION OF THE PROPERTY TO A SUBTITLE D LINED  
24 WASTE MANAGEMENT UNIT.

25 ENFORCEMENT AGENCY SECTION STAFF

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1 CONDUCTED AN INSPECTION OF THE FACILITY ON  
2 DECEMBER 30, 1996, AND NO VIOLATIONS OF STATE  
3 MINIMUM STANDARDS WERE IDENTIFIED. THE FACILITY  
4 IS OPERATING UNDER A CEASE AND DESIST ORDER ISSUED  
5 BY THE WATER BOARD, AND THE WATER BOARD HAS  
6 INDICATED THAT THE CITY HAS MADE SATISFACTORY  
7 PROGRESS IN COMPLIANCE WITH THE SCHEDULES OUTLINED  
8 IN THE CEASE AND DESIST ORDERS.

9 BOARD STAFF HAVE NOT RECEIVED ANY  
10 COMPLAINTS REGARDING THIS FACILITY. THE FOLLOWING  
11 FINDINGS HAVE BEEN MADE: CEQA HAS BEEN COMPLIED  
12 WITH, THE FACILITY IS IN CONFORMANCE WITH THE  
13 SANTA CRUZ COUNTY GENERAL PLAN -- OR THE CITY OF  
14 SANTA CRUZ GENERAL PLAN -- EXCUSE ME -- THE  
15 FACILITY IS IN CONFORMANCE WITH THE SANTA CRUZ  
16 COUNTY SOLID WASTE MANAGEMENT PLAN.

17 STAFF RECOMMEND THE BOARD ADOPT  
18 SOLID WASTE FACILITY PERMIT DECISION NO. 97-23,  
19 CONCURRING IN THE ISSUANCE OF SOLID WASTE FACILITY  
20 PERMIT NO. 44-AA-0001. MR. JIM SANDOVAL OF THE  
21 CITY OF SANTA CRUZ IS HERE TO ANSWER ANY  
22 QUESTIONS.

23 CHAIRMAN FRAZEE: ANY QUESTIONS?

24 MEMBER RELIS: MR. CHAIR, I'D JUST LIKE  
25 TO OBSERVE THAT AGAIN EARLIER IN MY TIME HERE AT

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1 THE BOARD, THIS WAS A REAL PROBLEM LANDFILL, HAD A  
2 LIVE WATER STREAM, I THINK, RUNNING THROUGH IT.  
3 AND WE BECAME LEA AND TOOK OVER THE MANAGEMENT  
4 HERE OR THE OVERSIGHT, REGULATORY OVERSIGHT, AND  
5 I'M REAL PLEASED TO SEE THE RESULT, ESPECIALLY  
6 AFTER THE HEAVY RAINS THAT HAVE HIT AND APPARENTLY  
7 NO FURTHER PROBLEMS THERE. SO I THINK IT'S QUITE  
8 A FINE ACCOMPLISHMENT BY OUR STAFF.

9 MS. RICE: THANK YOU, PAUL. JEFF AND  
10 OTHER EA STAFF HAVE DONE A GREAT JOB.

11 MR. HACKETT: THIS UNIT SHOULD ALSO BE  
12 COMMENDED BECAUSE THEY HAVE DONE A REMARKABLE  
JOB

13 AS FAR AS BUDGETING AND GETTING ALL THESE  
ISSUES

14 RESOLVED, SO IT SHOULD BE REFLECTED.

15 MEMBER PENNINGTON: WITH THAT, I'LL  
MOVE

16 CONCURRENCE WITH PERMIT DECISION NO. 97-23 IN  
THE  
17 ISSUANCE OF REVISED SOLID WASTE FACILITY PERMIT  
18 NO. 44-AA-0001.

19 MEMBER RELIS: SECOND.

20 CHAIRMAN FRAZEE: WE HAVE A MOTION AND  
21 SECOND FOR CONCURRENCE IN THE ISSUANCE OF THE  
22 PERMIT. THE QUESTION, INASMUCH AS WE'RE EA,

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CAN

23 WE PUT THIS ON THE CONSENT CALENDAR TO THE  
BOARD?

24 IS THAT ALL RIGHT OR DO WE NEED TO GO TO THE  
FULL  
25 BOARD?

1 MS. TOBIAS: GENERALLY UP TILL NOW THE  
2 COMMITTEES HAVE SENT FORWARD THESE TO THE FULL  
3 BOARD BECAUSE WE ARE ACTING IN THAT CAPACITY. IF  
4 YOU, AS THE COMMITTEE, WOULD LIKE TO SUGGEST TO  
5 THE BOARD THAT IN THE FUTURE, IF THERE'S NO  
6 CONTROVERSY ABOUT THEM, THAT YOU SEND THEM UP ON  
7 CONSENT CALENDAR, YOU MIGHT WANT TO DO THAT AND  
8 MAKE IT CLEAR AND ASK THE BOARD WHETHER THAT'S,  
9 YOU KNOW, FINE FOR THEIR PURPOSES.

10 CHAIRMAN FRAZEE: AT THIS POINT, SINCE  
11 IT'S BEEN PREVIOUS PROCEDURE, WE SHOULD PUT THIS  
12 ON REGULAR CALENDAR --

13 MS. TOBIAS: AND THEN YOU MAY WANT TO  
ASK  
14 IF THAT'S THE PLEASURE OF THE COMMITTEE.

15 CHAIRMAN FRAZEE: -- ASK ABOUT THAT.  
16 OKAY. WE DO HAVE A MOTION BEFORE US.

SECRETARY

17 WILL CALL THE ROLL.

18 THE SECRETARY: BOARD MEMBER  
PENNINGTON.

19 MEMBER PENNINGTON: AYE.

20 THE SECRETARY: BOARD MEMBER RELIS.

21 MEMBER RELIS: AYE.

22 THE SECRETARY: CHAIRMAN FRAZEE.

23 CHAIRMAN PENNINGTON: AYE. MOTION IS

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24 CARRIED. AND THIS WILL NOT BE A CONSENT ITEM.  
25 NOW, ITEM 10 IS THE  
CONSIDERATION OF

1 CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID  
2 WASTE FACILITY PERMIT FOR INDEPENDENT TRUCKING  
3 TRANSFER STATION AND RECYCLING FACILITY IN SAN  
4 JOAQUIN COUNTY. THIS IS ANOTHER ONE OF THOSE  
5 WHERE THE BOARD IS THE EA.

6 MR. HACKETT: THIS FACILITY FIRST BEGAN  
7 OPERATION BACK IN 1935 AND RECEIVED ITS FIRST  
8 PERMIT IN 1978. THE PERMIT WAS SUBSEQUENTLY  
9 MODIFIED IN 1991 AND AUTHORIZED THE FACILITY TO  
10 ACCEPT UP TO 250 TONS OF RECYCLING MATERIALS.

11 IN ORDER TO MEET THE GROWING DEMANDS  
12 OF RESOURCE RECOVERY, THE OPERATOR PROPOSED TO  
13 INCREASE THE PERMITTED TONNAGE FROM 250 TONS TO  
14 500 TONS PER DAY. TO MANAGE THIS INCREASED  
15 TONNAGE, THE OPERATOR PROPOSED TO EXPAND THE  
16 PROCESSING AND STORAGE AREA FROM .93 ACRES TO 1.97  
17 ACRES. THE FACILITY RECEIVES PREDOMINANTLY SOURCE  
18 SEPARATED MATERIALS SUCH AS ALUMINUM, CARDBOARD,  
19 GLASS, PAPER, AND PLASTICS FROM COMMERCIAL,  
20 RESIDENTIAL, INDUSTRIAL, AND CONSTRUCTION AND  
21 DEMOLITION CUSTOMERS.

22 IN 1995 THE FACILITY ACCEPTED AN  
23 AVERAGE OF 57 TONS PER DAY WITH A PEAK DAILY  
24 LOADING OF 250 TONS. NONRECYCLABLE MATERIALS ARE  
25 STORED IN 20-CUBIC-YARD METAL CONTAINERS FOR NO

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1 MORE THAN 48 HOURS BEFORE BEING TRANSPORTED TO THE  
2 FORWARD, INC. LANDFILL. IN 1995 NONRECYCLABLE  
3 MATERIALS REPRESENTED LESS THAN 2 PERCENT OF THE  
4 ENTIRE TONNAGE HANDLED AT THE FACILITY.

5 ENFORCEMENT AGENCY SECTION STAFF  
6 CONDUCTED AN INSPECTION OF THE FACILITY ON  
7 DECEMBER 20, 1996, AND NO VIOLATIONS WERE  
8 IDENTIFIED. BOARD STAFF HAVE NOT RECEIVED ANY  
9 COMPLAINTS REGARDING THIS FACILITY.

10 IN SUMMARY, THE FOLLOWING FINDINGS  
11 HAVE BEEN MADE: CEQA HAS BEEN COMPLIED WITH,  
12 FACILITY IS IN CONFORMANCE WITH THE CITY OF  
13 STOCKTON GENERAL PLAN, THE FACILITY IS IN  
14 CONFORMANCE WITH THE SAN JOAQUIN COUNTY SOLID  
15 WASTE MANAGEMENT PLAN. THE STAFF RECOMMEND THE  
16 BOARD ADOPT SOLID WASTE FACILITY PERMIT DECISION  
17 NO. 97-24, CONCURRING IN THE ISSUANCE OF SOLID  
18 WASTE FACILITY PERMIT NO. 39-AA-0016. MR. BILL  
19 SALEY OF INDEPENDENT TRUCKING COMPANY IS PRESENT  
20 TO ANSWER ANY QUESTIONS YOU MAY HAVE.

21 CHAIRMAN FRAZEE: JUST A QUESTION. I  
22 NOTICE THE TYPES OF MATERIAL RECEIVED HERE  
23 INCLUDES TIRES. IS -- AT WHAT POINT OR IS IT  
24 NECESSARY FOR AN OPERATOR TO HAVE A TIRE

HANDLER'S

25 PERMIT AS WELL AS A TRANSFER STATION, OR IS IT

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ALL

1 INCLUSIVE IN THE TRANSFER STATION PERMIT?

2 MS. RICE: THE TIRE HAULER REGULATIONS  
3 ARE VERY DISTINCT FROM THE SOLID WASTE FACILITY  
4 REGULATIONS, AS I UNDERSTAND IT. I DON'T KNOW  
IF

5 THERE ARE ANY STAFF HERE WHO CAN SPEAK TO THE  
6 DETAILS, BUT THE REQUIREMENTS FOR GETTING ONE  
ARE

7 SPELLED OUT IN STATUTE AND REGULATION. AND I  
8 ASSUME IF THERE IS A NEED FOR A HAULER'S  
LICENSE,

9 THAT WOULD HAVE BEEN POINTED OUT. WE CAN  
10 CERTAINLY LOOK INTO IT.

11 MR. HACKETT: CURRENTLY THEY'RE NOT  
12 ACCEPTING TIRES. THAT WAS BACK IN THE 1978  
13 PERMIT, AND THEY WANTED TO LEAVE THAT OPTION  
OPEN

14 AT THIS POINT IN TIME, BUT CURRENTLY THEY'RE NOT  
15 RECEIVING ANY.

16 CHAIRMAN FRAZEE: DOES THE OPERATOR  
WISH

17 TO COMMENT ON THIS AT ALL? HE'S SAYING NO.

18 MEMBER PENNINGTON: MR. CHAIRMAN, I'LL  
19 MOVE CONCURRENCE IN THE ADOPTION OF PERMIT  
20 DECISION NO. 97-24.

21 MEMBER RELIS: I'LL SECOND.

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22                               CHAIRMAN FRAZEE:   WE HAVE A MOTION AND  
23               SECOND ON PERMIT DECISION 97-24.   IF THERE'S NO  
24               OBJECTION, WE'LL SUBSTITUTE ROLL CALL.   AND THIS  
25               IS ANOTHER ONE OF THOSE THAT WE'LL NOT PUT ON

1           CONSENT UNTIL WE BRING UP THE ITEM REGARDING THE  
2           APPROPRIATENESS OF THAT.

3                     ITEM 11 WE HAVE COVERED.

4                     NOW, ON ITEM 12, THIS IS THE  
5           CONSIDERATION OF ADOPTION OF THE NEGATIVE  
6           DECLARATION AND THE PROPOSED FINANCIAL ASSURANCES  
7           ENFORCEMENT REGULATIONS FOR SOLID WASTE LANDFILLS  
8           FINANCIAL ASSURANCE VIOLATIONS.  AND THERE ARE  
9           ACTUALLY TWO SEPARATE ACTIONS, THE FIRST OF WHICH  
10          WILL BE --

11                    MS. RICE:  THANK YOU.  DIANA  
12          VAUGHN-THOMAS WILL MAKE THE PRESENTATION.

13                    MS. VAUGHN-THOMAS:  THANK YOU.  GOOD  
14          AFTERNOON, CHAIRMAN FRAZEE, MEMBERS PENNINGTON AND  
15          RELIS.

16                    THIS ITEM IS THE CONSIDERATION OF  
17          THE ADOPTION OF THE NEGATIVE DECLARATION NO.  
18          96092039, WHICH HAS BEEN DISTRIBUTED TO INTERESTED  
19          PARTIES WITH RESPECT TO THE FINANCIAL ASSURANCE  
20          ENFORCEMENT REGULATIONS.

21                    AS YOU ARE AWARE, WE DID SEND OUT  
22          THESE REGULATIONS FOR AN ADDITIONAL 15-DAY COMMENT  
23          PERIOD.  WE MADE A CHANGE TO THE FACTORS THAT ARE  
24          USED TO DETERMINE INITIAL PENALTY FOR A VIOLATION,  
25          AND THAT IS WE DELETED THE FACTOR OF THE INABILITY

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1 TO PAY. THAT WAS BASED ON DISCUSSIONS FROM THE  
2 NOVEMBER AND -- THE NOVEMBER COMMITTEE MEETING AND  
3 BOARD MEETING.

4 YOU WERE HANDED EARLIER AN ADDENDUM  
5 TO THE NEGATIVE DECLARATION. THIS HAS TO BE  
6 COMPLETED TO COMPLY WITH THE CEQA REQUIREMENTS  
7 BECAUSE OF THE CHANGE IN THE REGULATION. AND THE  
8 PROPOSED CHANGES TO THE FINAL REGULATIONS ARE  
9 MINOR TECHNICAL CHANGES INTENDED FOR THE PURPOSE  
10 OF CLARIFICATION. THEREFORE, THE CHANGES DO NOT  
11 HAVE A SIGNIFICANT EFFECT ON THE EVALUATION OF OUR  
12 FINDINGS PRESENTED IN THE PREVIOUS INITIAL STUDY  
13 AND NEGATIVE DECLARATION PREPARED FOR THE PROPOSED  
14 PROJECT.

15 THE ADDITIONAL 15-DAY COMMENT PERIOD  
16 WAS FROM DECEMBER 13TH THROUGH DECEMBER 30TH. AND  
17 I NOTICE IN THE AGENDA ITEM IT SAYS DECEMBER 20TH  
18 THROUGH JANUARY 3D; HOWEVER, IT WAS MAILED A WEEK  
19 EARLIER, SO IT WAS ACTUALLY THE 13TH -- DECEMBER  
20 13TH THROUGH DECEMBER 30TH.

21 I HAVE NOT RECEIVED ANY ADDITIONAL  
22 COMMENTS; THEREFORE, THIS ITEM IS BEING PRESENTED  
23 TO YOU AS AN ITEM TO BE FORWARDED TO THE FULL  
24 BOARD FOR ADOPTION OF THE NEGATIVE DECLARATION AND  
25 ADOPTION OF THE FINANCIAL ASSURANCE ENFORCEMENT

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1 REGULATIONS.

2 CHAIRMAN FRAZEE: QUESTIONS ON THIS?

3 WE DO NOT HAVE A REQUEST TO SPEAK ON  
4 THIS ITEM. NO DISCUSSION. A MOTION ON THE  
5 NEGATIVE DECLARATION.

6 MEMBER PENNINGTON: I'LL MOVE ADOPTION OF  
7 THE NEGATIVE DEC.

8 MEMBER RELIS: I'LL SECOND.

9 CHAIRMAN FRAZEE: THAT'S RESOLUTION  
10 97-29. NO OBJECTION, WE'LL SUBSTITUTE ROLL CALL  
11 ON THAT.

12 AND THEN THE ADOPTION OF THE  
13 REGULATIONS.

14 MEMBER PENNINGTON: I'LL MOVE ADOPTION OF  
15 THE FINANCIAL ASSURANCE ENFORCEMENT REGULATIONS.

16 MEMBER RELIS: SECOND.

17 CHAIRMAN FRAZEE: AND THAT IS RESOLUTION  
18 97-30. AND IF NO OBJECTION, WE'LL SUBSTITUTE ROLL  
19 CALL ON THAT. AND BOTH OF THOSE NEED TO GO TO THE  
20 FULL BOARD FOR ACTION ALSO NOT ON CONSENT.

21 NOW, WE ARE READY TO GO TO ITEM 13,  
22 THE CONSIDERATION OF AN UPDATE TO THE SCHEDULE FOR  
23 PLACEMENT OF OPERATIONS AND FACILITIES IN  
24 REGULATORY TIERS AND DEVELOPMENT OF MINIMUM  
25 STANDARDS.

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1 MS. RICE: THANK YOU. BOB HOLMES WILL  
2 MAKE THE PRESENTATION.

3 MR. HOLMES: GOOD AFTERNOON AGAIN. I  
4 HAVE A VERY SIMPLE PRESENTATION FOR YOU THIS  
5 AFTERNOON ON THIS ONE. YOU HAVE BEFORE YOU -- YOU  
6 HAVE BEING PASSED OUT TO YOU NOW LAST YEAR'S  
7 SCHEDULE, THE ONE THAT --

8 CHAIRMAN FRAZEE: I WAS AFRAID YOU  
9 WERE --

10 MR. HOLMES: -- THE BOARD ADOPTED JANUARY  
11 OF '96. THAT WAS AN UPDATE. THE FIRST TIME --  
12 THE FIRST SCHEDULE YOU SAW WAS IN JANUARY OF '95.  
13 SO YOU HAVE BEFORE YOU WHAT IS TURNING OUT TO BE  
14 AN ANNUAL UPDATE OF THIS SCHEDULE. AND BASICALLY  
15 WE WERE JUST ASKING FOR YOUR INPUT AND DIRECTION  
16 ON THE SCHEDULE ITSELF, AND WE'LL ENTERTAIN ANY  
17 COMMENTS THAT YOU HAVE AND TRY TO ACCOMMODATE  
18 THOSE RESOURCES PERMITTED.

19 LIKE TO POINT OUT THAT THERE ARE TWO  
20 PACKAGES THAT DO NOT APPEAR IN THE JANUARY '97  
21 DRAFT, THAT BEING THE ASH REGULATIONS WHICH YOU  
22 HAVE BEFORE YOU LATER ON THIS AFTERNOON. THAT WAS  
23 NOT INCLUDED BECAUSE THE MAJORITY OF THE TASKS  
24 INCLUDED IN THE DRAFT FOR ASH HAVE BEEN COMPLETED,  
25 SO WE DIDN'T FIND IT NECESSARY TO INCLUDE THIS

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1 ONE.

2 THE SECOND ONE, THAT IS THE SECOND  
3 MAJOR PACKAGE THAT'S NOT ON THAT DRAFT IS THE  
4 EMERGENCY GREEN MATERIALS STORAGE REGULATIONS THAT  
5 WERE DISCUSSED AT LAST MONTH'S COMMITTEE MEETING.  
6 THAT IS NOT INCLUDED BECAUSE THAT ONE HAD A LIFE  
7 OF ITS OWN. WE'RE WORKING OUT THE SCOPE OF THAT,  
8 AND YOU WILL HAVE SOMETHING BACK BEFORE YOU AT THE  
9 FEBRUARY MEETING ON THAT ITEM.

10 WE -- ONE OTHER POINT TO MAKE IS THE  
11 MOVEMENT AND THE CHANGE OF THE NAME. THE PREVIOUS  
12 SCHEDULE USED THE TERM "WOODY WASTE" TO REFER TO  
13 THE ORGANIC MATERIALS OTHER THAN COMPOSTING.  
14 WE'VE CHANGED THE NAME OF THAT TO ORGANICS, AND  
15 YOU CAN SEE IT MOVED UP ABOVE CONSTRUCTION AND  
16 DEMOLITION AND LANDFILL IN TERMS OF SCHEDULING.

17 THERE HAS BEEN SOME DISCUSSION IN  
18 BRIEFINGS THAT IN TERMS OF VOLUME,  
19 CONSTRUCTION/DEMOLITION IN LANDFILL MAY HAVE A  
20 BIGGER IMPACT IN CALIFORNIA. SO IF, AT YOUR  
21 PLEASURE, HEAR SOME DISCUSSION ON THAT ISSUE.

22 THAT CONCLUDES MY PRESENTATION.

23 MEMBER RELIS: MR. CHAIR, I DO HAVE A FEW  
24 THOUGHTS ON THIS, AND THEY'RE NOT WELL DEVELOPED  
25 BECAUSE, FRANKLY, WASN'T UNTIL WE GOT INTO THIS

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1 MORE LENGTHY DISCUSSION ON THE ASH AND WE HAD SOME  
2 INVOLVEMENT FROM CDFA THAT IT SEEMED LIKE WE WERE  
3 MOVING MORE OR LESS ON TRACK. I KNOW WE'RE GOING  
4 TO HAVE A DISCUSSION SOON ON OUR 50-PERCENT  
5 INITIATIVE. AND IN CONSIDERATION OF THE BOARD  
6 ATTEMPTING TO GALVANIZE AND CLARIFY ITS RESOURCES  
7 IN SUPPORT OF THE PUSH TOWARDS 50 PERCENT AND THAT  
8 THAT HAS PERMIT AND REGULATORY ASPECTS AND MARKET  
9 FUNCTIONS AND COVERS THE WHOLE SPECTRUM OF OUR  
10 ACTIVITIES, AND GIVEN THE LIKELIHOOD THAT CDFA  
11 WILL BE INVOLVED IN DISCUSSIONS OR MAY ON  
12 BIOSOLIDS AS WELL, I'M WONDERING IF WE SHOULD NOT  
13 CONSIDER ADJUSTING OUR SCHEDULE.

14 I DON'T HAVE A SPECIFIC  
15 RECOMMENDATION TODAY, BUT GIVEN THE FACT THAT IN  
16 ORDER TO GET TO 50 PERCENT, WE NEED CERTAIN PERMIT  
17 FUNCTIONS ABSOLUTELY NAILED DOWN, IN MY VIEW AT  
18 LEAST, IN ORDER TO FACILITATE THE PUSH TO 50. AND  
19 THE C&D IS DEFINITELY UP THERE AND RESOLVING THE  
20 BUSINESS WITH THE COMPOSTING OR MULCH OPERATIONS,  
21 THOSE TWO, ALONG WITH THE MRF AND TRANSFER, SEEM  
22 TO ME TO BE OF PARAMOUNT IMPORTANCE TO OUR MISSION  
23 EVEN THOUGH WE HAVE -- I DON'T MEAN TO DIMINISH  
24 OUR REGULATORY RESPONSIBILITIES AND OVERSIGHTS  
25 OVER THE OTHERS; BUT IF WE'RE LOOKING AT FINITE

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1           TIME, FINITE RESOURCES, I THINK WE HAVE TO  
2           CONSIDER MAKING SOME TOUGH CALLS HERE. SO I'LL  
3           JUST THROW THAT OUT.

4                   CHAIRMAN FRAZEE: WELL TAKEN. I GUESS IF  
5           WE HAD THE STAFF RESOURCES TO DO IT, WE'D LIKE TO  
6           MOVE ALL THESE TOGETHER AND FORWARD IT AT THE SAME  
7           TIME, AND WE KNOW THAT'S NOT POSSIBLE TO DO THAT.  
8           AND I GUESS THIS IS THE TIME IF WE WANT TO MAKE  
9           SOME ADJUSTMENTS IN THAT.

10                   WHAT ARE YOUR VIEWS ON EXPANDING THE  
11           GREEN WASTE AND THE STAFF'S VIEW ON THAT?

12                   MEMBER RELIS: WE'RE GOING TO HEAR A  
13           REPORT IN FEBRUARY.

14                   CHAIRMAN FRAZEE: WE'RE GOING TO TRY TO  
15           MOVE THAT ONE SORT OF AN END RUN.

16                   MS. RICE: WELL, WE'RE PURSUING THE  
17           EMERGENCY REGULATIONS ON ONE ASPECT OF IT AT YOUR  
18           DIRECTION FROM A PRIOR COMMITTEE MEETING. AND AS  
19           YOU WILL NOTE FROM THE SCHEDULE HERE, WE ARE  
20           PROPOSING IN THIS SCHEDULE FOR YOUR CONSIDERATION  
21           BEGINNING A MORE FULL-BLOWN REGULATORY EFFORT IN  
22           JULY OF THIS YEAR TO LOOK AT ALL ASPECTS OF  
23           TIERING MATERIALS THAT WEREN'T TIERED THROUGH THE  
24           COMPOST REGS, ORGANICS. SO I GUESS THE QUESTIONS  
25           FOR YOU IS WHETHER JULY IS SOON ENOUGH TO BEGIN

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1            THAT AND, AS PAUL MENTIONED, WHETHER YOU MIGHT  
2            WANT TO SHIFT THE PRIORITY FROM BIOSOLIDS TO  
3            INERTS, AND WE WOULD ADJUST THE SCHEDULE BASED ON  
4            YOUR DIRECTION TODAY.

5            CHAIRMAN FRAZEE:    I WOULD BE INCLINED TO  
6            SAY THAT ONCE WE GET INTO THE MODE OF WORKING WITH  
7            CDFA ON THE ASH REGULATIONS, I THINK THAT'S GOING  
8            TO FOLD HOPEFULLY INTO THE SLUDGE THING AT THE  
9            SAME TIME.

10           MS. RICE:    WE'RE ASSUMING IT WOULD ONLY  
11           MAKE SENSE TO INCLUDE ALL LAND APPLICATION WASTE  
12           TYPES WITHIN THOSE DISCUSSIONS.

13           CHAIRMAN FRAZEE:    ABSOLUTELY.    SO I DON'T  
14           KNOW IF WE WANT TO MAKE ANY SPECIFIC ADJUSTMENTS  
15           TO WHAT'S BEEN PRESENTED HERE.

16           MEMBER RELIS:    I WONDER IF MAYBE, GIVEN  
17           THE FACT THAT THIS IS JUST BEFORE US AND THAT WE  
18           HAVE RELATIVELY NEW INFORMATION, IF BY NEXT  
19           MEETING STAFF -- IF OTHER COMMITTEE MEMBERS ARE  
20           SUPPORTIVE OF THIS IDEA, TO SUGGEST AN ADJUSTMENT.  
21           AND THAT IS, IF WE WERE TO MOVE C&D UP, THEN  
22           BEARING IN MIND THE BIOSOLIDS AND THE ORGANICS  
23           WOULD BE -- AND ASH, RATHER, WOULD BE PERHAPS  
24           FOLDED TOGETHER.

25           MS. RICE:    WOULD YOU PERHAPS LIKE US  
TO

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1           RETURN TO YOU IN EITHER FEBRUARY OR MARCH WHEN  
2           THERE'S BEEN AN OPPORTUNITY TO MEET MORE WITH  
3           CDFA?

4                   MEMBER RELIS:   AND WE'LL HAVE A CHANCE  
5           ALSO TO DISCUSS THAT ITEM LATER, WHICH IS JUST  
6           COMING UP.

7                   MS. RICE:   YOU'LL ALSO HAVE THE  
8           DISCUSSION IN FEBRUARY ABOUT THE EMERGENCY REGS ON  
9           THE GREEN MATERIAL, AND THAT MAY ADD TO YOUR  
10          THINKING.

11                   CHAIRMAN FRAZEE:   WE DO HAVE SOME SPEAKER  
12          SLIPS ON THIS.   EVAN EDGAR, WHO'S GOING TO SAY "I  
13          TOLD YOU SO."

14                   MR. EDGAR:   MY NAME IS EVAN EDGAR FROM  
15          THE CALIFORNIA REFUSE REMOVAL COUNCIL, DIRECTOR OF  
16          REGULATORY AFFAIRS.

17                           I WOULD CONCUR WITH SHIFTING OF  
18          RESOURCES TOWARDS THE ORGANICS.   I BELIEVE WORKING  
19          WITH THE BIOSOLIDS INDUSTRY THAT'S GOING TO BE A  
20          LONG PROCESS WITH REGARDS TO THE ISSUES THERE AND  
21          EMERGING ISSUES FROM CDFA AND WHAT WE SEE WITH THE  
22          ASH REGULATIONS.

23                           1996 WAS A LOST YEAR WITH REGARD TO  
24          REGULATORY TIERS.   BUT UNDER THE NEW LEADERSHIP OF  
25          DOROTHY RICE, WE EMBRACE THIS NEW SCHEDULE.   IT

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1 NEEDS TO HAPPEN TO ACHIEVE THE 50-PERCENT GOAL. I  
2 THINK MR. RELIS IS RIGHT-ON WITH HIS COMMENTS  
3 ABOUT SHIFTING SOME RESOURCES TOWARDS THE HIGH  
4 VOLUME ASPECTS OF DIVERSION, SUCH AS GREENWASTE  
5 AND C&D. SO WITH THAT, I WOULD SUPPORT THE  
6 SHIFTING OF RESOURCES TOWARDS ORGANICS AND C&D AND  
7 DEFER BIOSOLIDS UNTIL CDFA WORKS OUT THEIR ISSUES  
8 ON THE BIGGER SCOPES OF LAND APPLICATION. THANK  
9 YOU.

10 CHAIRMAN FRAZEE: THANK YOU. AND ALSO  
11 WILLIAM O'RULLIAN OF KERN COUNTY.

12 MR. O'RULLIAN: I WOULD LIKE TO VOICE  
13 SUPPORT OF MR. EDGAR'S COMMENTS ON THE TIMING FOR  
14 THIS. THE BIOSOLIDS ISSUE WILL PROBABLY DEVELOP  
15 WITH THE FORMULATION OF A MANUAL OF GOOD PRACTICE,  
16 WHICH THE CALIFORNIA WATER ENVIRONMENT ASSOCIATION  
17 IS DRAFTING AT THIS TIME, AND I DON'T THINK IT  
18 WILL BE FORTHCOMING UNTIL MARCH. SO IT GIVES -- I  
19 THINK THIS WILL BE AN ISSUE THAT WILL TAKE AT  
20 LEAST 90 DAYS TO DISCUSS, ESPECIALLY AS THAT  
21 MANUAL GOES UNDER PEER REVIEW.

22 AND WE BELIEVE THAT IN OUR COUNTY,  
23 IN KERN COUNTY, THAT SOME OF THE ISSUES SUCH AS  
24 THE CONSTRUCTION/ DEMOLITION ISSUES AND THE GREEN  
25 WASTE OR THE MULCHING OPERATIONS NEED IMMEDIATE

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1 ATTENTION. SO WE WOULD LIKE TO EXPRESS SUPPORT  
2 FOR PRIORITIZING THOSE POSSIBLY AHEAD OF THE  
3 BIOSOLIDS. THANK YOU.

4 CHAIRMAN FRAZEE: DISCUSSION? THIS IS ON  
5 13. KATHY CURRIE TO SPEAK ON THIS ITEM.

6 MS. CURRIE: KATHY CURRIE, REPRESENTING  
7 THE CALIFORNIA BIOMASS ENERGY ALLIANCE. THE LAST  
8 ITEM CAUGHT ME KIND OF BY SURPRISE FRANKLY. I  
9 HADN'T REALIZED THAT YOU WOULD BE CONSIDERING  
10 TODAY A PROPOSAL THAT WOULD MELD DFA'S  
11 CONSIDERATION OF ASH AND BIOSOLIDS.

12 I GUESS I WOULD LIKE SOME  
13 CLARIFICATION ON JUST WHAT THE BOARD AND THE STAFF  
14 THINK THAT THAT MEANS. ASH AND BIOSOLIDS RAISES  
15 SIGNIFICANTLY DIFFERENT ISSUES AND THEY'RE VERY  
16 DIFFERENT RESOURCES. THEY ARE BOTH LAND  
17 APPLICATIONS, SO IN THAT RESPECT I CAN SEE MAYBE  
18 WHERE YOU'RE COMING FROM. BUT BIOSOLIDS RAISE  
19 OTHER ISSUES LIKE PATHOGENS THAT JUST AREN'T  
20 PRESENT FOR ASH.

21 AS YOU KNOW, DFA HAS REQUESTED A  
22 90-DAY DELAY IN THE ASH PROCESS. THAT'S NOT  
23 NEARLY ENOUGH TIME FOR THEM TO ALSO ADDRESS  
24 BIOSOLIDS. I THINK THAT BY SENDING A REQUEST OVER  
25 TO THEM THAT MIXES THOSE TWO, WE'RE GOING TO

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1 SUFFER SIGNIFICANT ADDITIONAL DELAY IN THE ASH  
2 REGULATORY PROCESS.

3 MR. CHANDLER: MR. CHAIRMAN, I THINK IN  
4 SOME WAYS WE'RE KIND OF CREEPING INTO THE VERY  
5 NEXT ITEM ON THE AGENDA, WHICH IS AN UPDATE FROM  
6 ME ON THE MEETING. I WOULD SUGGEST THAT MS.  
7 CURRIE WILL FIND THAT WE'LL HAVE A GOOD DISCUSSION  
8 THEN, AND THE VERY ISSUES THAT WE'RE TALKING  
9 ABOUT, YOU KNOW, WHAT CDFA SEES THEIR ROLE TO BE  
10 AND HOW BROAD THEY SEE THAT ROLE WILL TAKE THEM  
11 AND OVER WHAT TIME FRAMES IS REALLY WHAT I HOPE TO  
12 ENGENDER SOME DISCUSSION ON. SO SHE'S RAISING  
13 SOME GOOD POINTS, AND I THINK WE'RE GOING TO DEAL  
14 WITH THOSE. BUT I DON'T WANT TO CREEP INTO THAT  
15 AGENDA ITEM, IF YOU WILL, WHILE WE'RE STILL  
16 LOOKING AT THE SCHEDULE YOU HAVE BEFORE YOU. SHE  
17 RAISES A VERY LEGITIMATE POINT, WHICH IS THE  
18 IMPACT ON THE SCHEDULE AS VERY MUCH REAL GIVEN  
19 CDFA'S RECENT INTERESTS. CERTAINLY I'LL BE  
20 COVERING THE NATURE OF THAT MEETING IN YOUR NEXT  
21 ITEM.

22 MS. CURRIE: I THINK THAT'S REASONABLE.  
23 THE ONLY REASON THAT I HESITATE IS THAT IF YOU'RE  
24 GOING TO BE TAKING AN ACTION ON THIS AND DIRECTING  
25 STAFF TO TELL DFA ONE THING OR ANOTHER IN TERMS OF

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1 HOW TO ADDRESS OR HOW YOU WOULD LIKE THEM TO  
2 ADDRESS ASH AND BIOSOLIDS AND REVIEW THOSE TWO,  
3 IT'S GOING TO BE INFLUENCED BY THE SUBSEQUENT  
4 DISCUSSION. SO MAYBE YOU COULD THEN HOLD ANY VOTE  
5 ON THAT.

6 MS. RICE: JUST TO CLARIFY, THIS ITEM  
7 WOULD NOT LEAD TO ANY CONVERSATION WITH CDFA.  
8 IT'S SIMPLY AN ACKNOWLEDGEMENT THAT A RULEMAKING  
9 WE HAD ON OUR CALENDAR MAY VERY LIKELY BE AFFECTED  
10 BY OTHER DISCUSSIONS WITH THEM, SO WE MAY WISH TO  
11 PUT OFF THE PRIORITY OF WHEN WE BEGIN THAT  
12 RULEMAKING. BUT WE WERE NOT PROPOSING UNDER ANY  
13 APPROVAL THE COMMITTEE MAY GIVE US ON THIS ITEM TO  
14 THEN PROCEED WITH CONTACTING THEM. THAT WOULD  
15 OCCUR BASED ON THE DIRECTION ON THE ASH ITEM. SO  
16 NOTHING THAT OCCURS HERE WOULD RESULT IN THE  
17 OUTCOME THAT YOU MENTIONED. WE'RE SIMPLY SEEKING  
18 DIRECTION ON WHICH RULEMAKINGS TO PROCEED WITH IN  
19 WHICH TIME FRAME. AND GIVEN THE UNCERTAINTY WE  
20 CURRENTLY HAVE ABOUT DIFFERENT WASTE TYPES AND  
21 LAND APPLICATION, MEMBERS ARE RAISING THAT IT MAY  
22 BE PRUDENT TO DO THAT LATER RATHER THAN SOONER.

23 MS. CURRIE: OKAY. SO THE OUTCOME OF  
24 THIS WOULD NOT BE THAT YOU'D GO TO THEM  
25 SIMULTANEOUSLY ON ASH AND BIOSOLIDS?

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1                   CHAIRMAN FRAZEE:  NO.  I DIDN'T SEE THAT.  
2                   IN FACT, I THINK THE CONCLUSION OF WHAT WE'RE  
3                   GETTING HERE IS SORT OF A CONSENSUS THAT THE STAFF  
4                   WILL MOVE FORWARD WITH LOOKING AT HOW WE'RE GOING  
5                   TO ADJUST THOSE THINGS, BUT I DON'T SEE ANY FORMAL  
6                   VOTE AT THIS POINT.

7                   MS. RICE:  I UNDERSTOOD YOU WANTED US TO  
8                   RETURN IN FEBRUARY OR MARCH WITH THE SAME ITEM  
9                   WITHOUT TAKING ACTION TODAY.

10                  MS. CURRIE:  OKAY.  THANKS VERY MUCH.

11                  CHAIRMAN FRAZEE:  ANY OTHER DISCUSSION ON  
12                  THIS ITEM?

13                  MR. HOLMES:  JUST HAVE A CLARIFYING  
14                  QUESTION.  THEN YOU DON'T WANT THIS BACK BEFORE  
15                  YOU ON THE 22D OF JANUARY, AND WE'LL WAIT TILL --

16                  CHAIRMAN FRAZEE:  RIGHT.  BASED ON THE  
17                  DISCUSSIONS TODAY AND I, FOR ONE MEMBER OF THE  
18                  BOARD, CERTAINLY CONCUR WITH THE IDEA OF GETTING  
19                  THOSE OTHER THINGS MOVED AS BEST WE CAN.  IT'S NOT  
20                  THE CASE OF LEAVING SOMETHING UNREGULATED OR IT'S  
21                  EASING REGULATIONS IN THOSE OTHER AREAS, AND TAKES  
22                  A LITTLE MORE TIME IN ORDER TO GET THE, I THINK AS  
23                  MR. RELIS INDICATED, THE HIGH VOLUME THINGS MOVED  
24                  A LITTLE FASTER, THAT ACCOMPLISHES OUR GOAL A LOT  
25                  BETTER.

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1                   MEMBER RELIS: I JUST WAS GOING TO ASK IF  
2 STAFF'S CLEAR ABOUT WHAT YOU WILL BE BRINGING.

3                   MS. RICE: MY UNDERSTANDING WAS THAT YOU  
4 ARE NOT PREPARED TO STATE TODAY THE ORDER OF THE  
5 PRIORITIES. YOU'D LIKE TO WAIT AND HEAR WHAT  
6 OCCURS ON THE ASH ITEM AND THE SUBSEQUENT  
7 DISCUSSIONS WITH CDFA, AND YOU WOULD LIKE US TO  
8 RETURN WITH THE DRAFT SCHEDULE TO YOU, I WOULD  
9 SUGGEST, MARCH MAY BE BETTER THAN FEBRUARY BECAUSE  
10 I DON'T KNOW HOW LONG IT'S GOING TO TAKE TO HAVE  
11 THOSE SUBSEQUENT DISCUSSIONS WITH CDFA. WE CAN  
12 CERTAINLY SHOOT FOR FEBRUARY AND THEN LET YOU KNOW  
13 IF IT DOESN'T APPEAR TO BE ENOUGH INFORMATION THAT  
14 IT WOULD BE FRUITFUL FOR YOU.

15                  MEMBER RELIS: LET ME JUST ASK THEN. WE  
16 HAVE AN ITEM STILL TO TAKE UP, SO WE ARE A LITTLE  
17 OUT OF SEQUENCE HERE. BUT MY POINT WAS DIRECTED  
18 TOWARDS THE PRIORITIES. AND YOU ARE SAYING THAT  
19 WE WOULD NEED THESE DISCUSSIONS THAT MIGHT GO ON  
20 INTO MARCH, BUT WHAT HAPPENS IN THE INTERVENING  
21 TIME WITH THE WORKLOAD?

22                  MS. RICE: WE ARE CURRENTLY WORKING UNDER  
23 THE DRAFT SCHEDULE THAT YOU SEE. WE'RE ACTIVELY  
24 WORKING ON THE MRF REGULATIONS, RECYCLING  
25 FACILITIES, ETC. WE'VE BEGUN PRELIMINARY WORK ON

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1 BIOSOLIDS, BUT IT'S VERY PRELIMINARY. SO THERE  
2 WOULDN'T BE A SIGNIFICANT STAFF IMPACT IF YOU  
3 DECIDED TO SHIFT THAT PRIORITY. WE'RE CERTAINLY  
4 WORKING ON THE ORGANICS ISSUES FROM THE  
5 PERSPECTIVE OF THE EMERGENCY REGS, SO WE'RE IN A  
6 LEARNING PROCESS THERE ALREADY. AND IF YOU WISHED  
7 TO NEXT MONTH OR THE MONTH AFTER ACCELERATE WHEN  
8 WE WOULD BEGIN THAT RULEMAKING, WE WOULD CERTAINLY  
9 BE OPEN TO THAT.

10 MEMBER RELIS: I JUST WONDERED, PERHAPS I  
11 FEEL STRONGER ON THIS THAN OTHERS, BUT THAT I  
12 WOULD NOT BE -- MY VIEW WOULD BE NOT TO BEGIN A  
13 SERIOUS EFFORT IF IT INVOLVED A COMMITMENT OF  
14 LARGE STAFF RESOURCES IN THE BIOSOLIDS AREA RIGHT  
15 NOW GIVEN THAT I THINK THERE ARE THESE OTHER  
16 PRIORITIES, SO I WOULDN'T WANT US TO BEGIN THAT  
17 EFFORT AND TIE UP TIME.

18 MS. RICE: AND I THINK THAT FITS VERY  
19 MUCH WITH THE DRAFT SCHEDULE WE HAVE, WHICH, AS  
20 YOU WILL NOTE, SHOWS BEGINNING IN EARNEST IN MAY  
21 OF '97. BUT WHAT WE'RE DOING RIGHT NOW IS JUST  
22 GROUNDWORK, GATHERING INFORMATION, GETTING STAFF

A  
23 LITTLE BETTER INFORMED. BUT THE ACTUAL WORK  
24 STARTING WORKSHOPS AND GETTING INPUT AND DRAFTING  
25 REGULATIONS WAS NOT SCHEDULED TO BEGIN UNTIL MAY.

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1 SO THERE WOULD NOT BE SIGNIFICANT IMPACT. AND WE  
2 CAN CERTAINLY HAVE STAFF NOT DEVOTE A GREAT DEAL  
3 OF TIME TO THE EFFORT BETWEEN NOW AND WHEN YOU  
4 DISCUSS THIS AGAIN.

5 MEMBER RELIS: THAT WOULD BE MY  
6 SUGGESTION.

7 CHAIRMAN FRAZEE: YEAH. OKAY. THE NEXT  
8 ITEM ON OUR AGENDA IS A CONSIDERATION OF BOARD  
9 ENFORCEMENT POLICY IMPLEMENTATION ELEMENTS  
10 INCLUDING LEA ENFORCEMENT ADVISORY, LEA INSPECTION  
11 AND ENFORCEMENT TRAINING SCHEDULE, PERMIT  
12 COMPLIANCE STRATEGY, AND STATE OVERSIGHT ROLE  
13 PROCEDURES.

14 MS. RICE: THANK YOU. PAUL WILLMAN WILL  
15 MAKE THE PRESENTATION FOR STAFF.

16 MR. WILLMAN: GOOD AFTERNOON, COMMITTEE  
17 MEMBERS. I'VE GOT A CORRECTION RIGHT NOW. IT'S  
18 BASICALLY WITH A MIX-UP ON THE FLOW CHARTS THAT  
19 WERE IN SOME OF THE ATTACHMENTS. AND THERE'S  
20 THREE FLOW CHARTS, AND WE'VE SIMPLY TYPED IN THE  
21 PAGE NUMBER IN THE AGENDA PACKET THAT IT SHOULD BE  
22 INSERTED AS TO MAKE IT EASY. JUST IGNORE THE ONE  
23 THAT'S IN THERE. THEY JUST KIND OF GOT SHUFFLED  
24 AROUND IN THE PACKET. SO THESE WILL BE THE RIGHT  
25 ONES.

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1 I'D LIKE TO GIVE YOU A LITTLE  
2 BACKGROUND ON THIS ITEM BEFORE WE GET INTO THE  
3 DETAILS. AS A RESULT OF BOARD DIRECTION TO  
4 ADDRESS SOME OUTSTANDING ENFORCEMENT ISSUES AND AS  
5 A RESULT OF THE PARTNERSHIP 2000 EFFORT BETWEEN  
6 THE BOARD AND THE LEA'S, THE JOINT WORK GROUP WAS  
7 FORMED TO LAUNCH THE BOARD ENFORCEMENT POLICY  
8 CONCEPT IN AUGUST OF LAST YEAR.

9 IN OCTOBER ENFORCEMENT POLICY  
10 FRAMEWORK WAS APPROVED BY THE COMMITTEE AND THE  
11 BOARD WITH THE EXPECTATION THAT BOARD STAFF WOULD  
12 COME BACK, BRING FORTH SOME SPECIFIC  
13 IMPLEMENTATION ELEMENTS FOR CONSIDERATION THIS  
14 MONTH.

15 IN REVIEW, THE ENFORCEMENT POLICY IS  
16 GENERALLY INTENDED TO FULFILL THE RESPONSIBILITIES  
17 REGARDING THE LEA ENFORCEMENT PROGRAMS TO, NO. 1,  
18 PROVIDE TECHNICAL ASSISTANCE TRAINING AND SUPPORT  
19 TO LEA'S; NO. 2, ENSURE THAT LEA'S KEEP THE  
20 FACILITIES IN THEIR JURIS- DICTIONS IN COMPLIANCE;  
21 3, EVALUATE THE EFFECTIVENESS OF THE LEA  
22 ENFORCEMENT PROGRAMS; AND, 4, TAKE APPROPRIATE  
23 ENFORCEMENT ACTIONS SHOULD AN LEA FAIL TO DO SO.  
24 THAT'S KIND OF AN OVERVIEW OF THE GENERAL  
25 RESPONSIBILITIES.

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1                   ADDITIONALLY, THE POLICY ADDRESS THE  
2                   FOLLOWING FIVE SPECIFIC ISSUES WHICH ARE LISTED ON  
3                   PAGE 1 OF THE AGENDA ITEM: PROVIDE TECHNICAL  
4                   ASSISTANCE TRAINING AND GUIDANCE TO LEA'S ON  
5                   SPECIFIC INSPECTION AND ENFORCEMENT TOPICS,  
6                   CLARIFY THE BOARD'S STATE OVERSIGHT ROLE OF LEA  
7                   ENFORCEMENT PROGRAMS, DEVELOP STRATEGIES TO BRING  
8                   FACILITIES WITH CHRONIC VIOLATIONS INTO  
9                   COMPLIANCE; NO. 4, CONSIDER ENFORCEMENT  
10                  ALTERNATIVES FOR BRINGING FACILITIES WITH  
11                  SIGNIFICANT CHANGE PERMIT VIOLATIONS INTO  
12                  COMPLIANCE IN A MORE TIMELY MANNER; AND, FIFTH,  
13                  CLARIFY WHAT CRITERIA SHOULD BE APPLIED TO  
14                  DETERMINE THAT THE PROPOSED PERMIT IS CONSISTENT  
15                  WITH THE STATE MINIMUM STANDARDS.

16                  IN OCTOBER BOARD STAFF OUTLINED SIX  
17                  ENFORCEMENT POLICY ELEMENTS WHICH WERE DESIGNED  
18                  TO  
19                  FULFILL THE BOARD'S GENERAL RESPONSIBILITIES AND  
20                  ADDRESS THE FIVE SPECIFIC ISSUES I JUST WENT  
21                  OVER.

22                  THE ELEMENTS ARE LISTED AND DESCRIBED BEGINNING  
23                  ON  
24                  PAGE 2 OF THE AGENDA ITEM. THIS ITEM PRESENTS  
25                  FOUR OF THE SIX ELEMENTS FOR YOUR CONSIDERATION  
26                  AND APPROVAL TO IMPLEMENT, INCLUDING INITIATION

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OF

24 THE DEVELOPMENT OF NECESSARY REGULATIONS.

25 THE FIRST ELEMENT, WHICH IS THE

1           ENFORCEMENT ADVISORY, THE THIRD ELEMENT, WHICH IS  
2           THE INSPECTION AND ENFORCEMENT TRAINING PROGRAM,  
3           THE FOURTH ELEMENT, WHICH IS THE PERMIT  
COMPLIANCE

4           STRATEGY, AND THE SIXTH ELEMENT, WHICH IS  
THE

5           STATE OVERSIGHT ROLE PROCEDURES, ARE  
PRESENTED FOR

6           YOUR CONSIDERATION TODAY.

7                           ELEMENT 4, THE PERMIT  
COMPLIANCE

8           STRATEGY, IS STILL PARTIALLY UNDER  
DEVELOPMENT AND

9           WITH THE FIRST TWO OF THREE PARTS PRESENTED  
FOR

10          YOUR CONSIDERATION.

11                          THIS PRESENTATION WILL FOCUS  
ON THE

12          FIVE SPECIFIC ISSUES LISTED ON PAGE 1 OF  
YOUR

13          AGENDA ITEM AND HOW THE VARIOUS ELEMENTS  
14          COLLECTIVELY ADDRESS THOSE ISSUES. A  
PRIMARY

15          FUNCTION OF THE BOARD IN THE ENFORCEMENT  
AREA IS

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16                   TO EQUIP LEA'S WITH THE NECESSARY  
REGULATORY  
17                   TOOLS, TRAINING AND ASSISTANCE AND GUIDANCE  
TO  
18                   SUCCESSFULLY RESOLVE ENFORCEMENT ISSUES IN  
THEIR  
19                   RESPECTIVE JURISDICTIONS. AND THE POLICY  
20                   ADDRESSES THIS FIRST ISSUE WITH THE  
FOLLOWING  
21                   ELEMENTS: FIRST IS THE LEA ENFORCEMENT  
ADVISORY.  
22                   A FINAL DRAFT OF THIS GUIDANCE DOCUMENT IS  
23                   INCLUDED IN YOUR AGENDA ITEM AS ATTACHMENT  
NO. 1.  
24                                   IT IS A COMPREHENSIVE  
DOCUMENT WHICH  
25                   GIVES CLARIFICATION AND GUIDANCE TO LEA'S

1           REGARDING CASE DEVELOPMENT AND THE VARIOUS  
2           ENFORCEMENT OPTIONS AVAILABLE TO LEA'S. IT  
3           INCLUDES SECTIONS ON THE DEVELOPMENT OF NOTICE AND  
4           ORDERS AND ASSESSMENT OF ADMINISTRATIVE CIVIL  
5           PENALTIES IN PARTICULAR. ALSO INCLUDED IS A  
6           SECTION ON LEGAL AND TECHNICAL ASSISTANCE  
7           AVAILABLE FROM THE BOARD. IT'S GOING TO BE USED  
8           AS A SOURCE DOCUMENT IN THE FUTURE LEA TRAINING  
9           SESSIONS THAT THE BOARD WILL BE PUTTING ON.

10                         PARTS OF THE ADVISORY, PARTICULARLY  
11           THE SECTION ON ADMINISTRATIVE CIVIL PENALTIES,  
12           WILL BE THE BASIS FOR THE DEVELOPMENT OF FURTHER  
13           REGULATIONS TO INCORPORATE CHANGES BROUGHT ABOUT  
14           BY AB 59 AND PROVIDE CLARITY TO THE ENFORCEMENT  
15           PROCESS. THE DOCUMENT WAS DEVELOPED IN  
16           COLLABORATION WITH BOARD AND LEA ENFORCEMENT  
17           POLICY WORK GROUP AND HAS GONE THROUGH AN  
18           EXTENSIVE REVIEW AND COMMENT PROCESS, INCLUDING  
19           REVIEW AND COMMENT BY ALL LEA'S IN THE STATE.

20                         THE SECOND ELEMENT IS THE HEARING  
21           PANEL ADVISORY. AND THE HEARING PANEL PROCESS IS  
22           AN INTEGRAL PART OF THE ENFORCEMENT PROCESS THAT  
23           AN LEA HAS TO DO. AND THIS ADVISORY WILL BE  
24           DESIGNED TO LEAD AN LEA THROUGH THAT HEARING

PANEL

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25                   PROCESS, INCLUDING ANY APPEALS TO THE BOARD.  
IT'S

1           ALSO GOING TO BE USED EVENTUALLY FOR LEA TRAINING  
2           PURPOSES.  ALTHOUGH THIS ADVISORY WAS ORIGINALLY  
3           SCHEDULED FOR COMPLETION IN SPRING OF '97, THE  
4           BOARD STAFF HAS PLACED IT ON HOLD AT THIS POINT  
5           PENDING THE PURSUIT OF CERTAIN STATUTORY CHANGES.

6                       THE THIRD ELEMENT, WHICH ASSISTS THE  
7           LEA'S IN TRAINING AND GUIDANCE AND THINGS LIKE  
8           THAT, IS THE LEA INSPECTION AND ENFORCEMENT  
9           TRAINING PROGRAM.  THIS PROGRAM EMPHASIZES THE  
10          PARTNERSHIP AND COMPLIANCE BETWEEN LEA'S, THE  
11          OPERATORS, AND THE BOARD.  THERE'S A TRAINING  
12          SCHEDULE INCLUDED AS ATTACHMENT 2 IN YOUR AGENDA  
13          ITEM.  AND THAT'S BEEN INTEGRATED INTO THE P&E  
14          DIVISION'S MASTER TRAINING SCHEDULE AND INCLUDES  
15          FOUR TRAINING SESSIONS OVER THE NEXT 18 MONTHS.  
16          TRAINING WILL BE OFFERED ON EXPLOSIVE GAS  
17          MONITORING AND CONTROL AND INTERPRETATION OF STATE  
18          MINIMUM STANDARDS AND ENFORCEMENT OPTIONS AND  
19          STRATEGIES.

20                      THE NEXT ELEMENT IS THE PERMIT  
21          COMPLIANCE STRATEGY.  PART A OF THE PERMIT  
22          COMPLIANCE STRATEGY FOCUSES ON A JOINT EFFORT  
23          BETWEEN THE LEA AND BOARD STAFF TO BRING  
24          FACILITIES WITH SIGNIFICANT CHANGE VIOLATIONS INTO  
25          COMPLIANCE.  PART OF THIS EFFORT INVOLVES THE

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1 IDENTIFICATION OF OBSTACLES TO GETTING PERMITS  
2 REVISED AND OF SOLUTIONS TO OVERCOME THOSE  
3 OBSTACLES. IN SUPPORT OF THE LEA'S PERMITTING  
4 EFFORTS, BOARD STAFF WILL BE IMPLEMENTING SOME OF  
5 THOSE SOLUTIONS OVER THE NEXT YEAR OR SO TO  
6 CLARIFY AND EXPEDITE THE PERMIT REVISION PROCESS.

7 FINALLY, THE BOARD'S INSPECTION AND  
8 ENFORCEMENT PROGRAM ALSO ASSISTS LEA'S. THIS IS A  
9 BOARD PROGRAM THAT HAS, OF COURSE, BEEN IN PLACE  
10 FOR SEVERAL YEARS AND SERVES TO TRAIN AND ASSIST  
11 LEA'S IN A VARIETY OF WAYS. BOARD INSPECTIONS ARE  
12 QUITE THOROUGH AND INTENSIVE AND PROVIDE LEA'S  
13 WITH HANDS-ON TRAINING REGARDING INSPECTION  
14 TECHNIQUES AND IN INTERPRETING AND APPLYING STATE  
15 MINIMUM STANDARDS. BOARD STAFF ALSO ASSISTS LEA'S  
16 IN DEVELOPING ENFORCEMENT STRATEGIES BY REVIEWING  
17 AND COMMENTING ON DRAFT NOTICE AND ORDERS AND  
18 OTHER ENFORCEMENT DOCUMENTS.

19 IN ADDITION TO THE FIVE ELEMENTS I  
20 JUST TOUCHED ON, BOARD STAFF IS ALSO GOING TO BE  
21 SUPPORTING AND ASSISTING LEA'S THROUGH THE  
22 DEVELOPMENT OF NECESSARY REGULATIONS RELATED TO  
23 IMPLEMENTING THE POLICY ELEMENTS AND CLARIFYING  
24 THE ENFORCEMENT PROCESS.

25 THE SECOND ISSUE THAT THE POLICY

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1 ADDRESSES IS CLARIFICATION OF THE BOARD'S  
2 OVERSIGHT ROLE REGARDING LEA ENFORCEMENT PROGRAMS.  
3 THE BOARD'S RESPONSIBLE TO ENSURE THAT LEA'S TAKE  
4 APPROPRIATE ENFORCEMENT ACTION TO CAUSE THE  
5 OPERATOR TO CORRECT DOCUMENTED VIOLATIONS. IN THE  
6 PAST BOARD POLICIES IN THIS AREA HAS TENDED TO  
7 FOCUS ON REQUIRING SPECIFIC ACTIONS BY THE LEA FOR  
8 PARTICULAR TYPES OF VIOLATIONS. AS OUTLINED ON --  
9 IN THE AGENDA ITEM ON PAGES 7 AND 8, THERE ARE  
10 SEVERAL VARIABLES WHICH NEED TO BE TAKEN INTO  
11 ACCOUNT WHEN DETERMINING WHAT ENFORCEMENT ACTION  
12 TO TAKE.

13 THEY INCLUDE THE FACT THAT THERE ARE  
14 54 INDIVIDUAL LEA'S, EACH WITH ITS OWN ENFORCEMENT  
15 PROGRAM PLAN, AND EACH PROGRAM PLAN HAS A VARIETY  
16 OF WAYS OF ADDRESSING VIOLATIONS. THERE'S A  
17 VARIETY OF AVAILABLE ENFORCEMENT OPTIONS AS  
18 OUTLINED IN THE LEA ENFORCEMENT ADVISORY. ALSO,  
19 EACH LEA HAS ITS OWN HISTORICAL KNOWLEDGE OF WHICH  
20 ENFORCEMENT ACTIONS WORK BEST IN PARTICULAR  
21 SITUATIONS.

22 ADDITIONALLY, THERE'S OVER 500  
23 PERMITTED SOLID WASTE FACILITIES OF VARIOUS TYPES,  
24 EACH WITH ITS OWN PARTICULAR OPERATOR, PERMIT,  
25 ENVIRONMENTAL CHARACTERISTICS, AND ADJACENT

LAND

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THE

16           OVERSIGHT ROLE PROCEDURES SET FORTH  
17           PERFORMANCE-BASED CRITERIA FOR DETERMINING  
WHETHER  
18           AN LEA IS TAKING APPROPRIATE ENFORCEMENT  
ACTION.

19           THIS ELEMENT LISTED AS ATTACHMENT 4 IN YOUR  
AGENDA

20           PACKET INCLUDES A FLOW CHART OF THE  
PROCEDURES AS

21           ONE OF THE FLOW CHARTS I JUST PASSED OUT THAT  
HAS

22           A CORRECTION. THAT'S ON PAGE 269. THAT'S  
ONE

23           THAT SHOULD GO IN.

24                           IN ORDER TO APPLY THESE  
25           PERFORMANCE-BASED CRITERIA, BOARD STAFF WILL  
BE

1 FOCUSING ON CHRONIC VIOLATIONS AND VIOLATIONS  
2 WHICH THREATEN PUBLIC HEALTH, SAFETY, AND THE  
3 ENVIRONMENT -- OR THE ENVIRONMENT. A CHRONIC  
4 VIOLATION IS EITHER A STATE MINIMUM STANDARD  
5 VIOLATION FOR WHICH A FACILITY WAS PLACED ON THE  
6 INVENTORY, OR IT'S A SIGNIFICANT CHANGE VIOLATION  
7 WHICH HAS BEEN ONGOING FOR FIVE MONTHS OR MORE.  
8 IDENTIFICATION OF CHRONIC VIOLATION OR A THREAT  
9 WILL PROMPT BOARD STAFF TO APPLY THE FIRST  
10 CRITERIA, WHICH IS IS THE OPERATOR MAKING TIMELY  
11 PROGRESS TOWARD ACHIEVING COMPLIANCE.

12 NOW, IF A SITE IS ON THE INVENTORY,  
13 THE LEA AUTOMATICALLY HAS TO DEVELOP A COMPLIANCE  
14 SCHEDULE, AND THAT WOULD BE THE BASE LINE WHICH TO  
15 MEASURE THE OPERATOR'S PROGRESS AGAINST.

16 FOR CHRONIC SIGNIFICANT CHANGE  
17 VIOLATIONS, THE PROPOSAL IS THE SAME, BASICALLY A  
18 MINIMUM ENFORCEMENT RESPONSE THAT WOULD BE  
19 REQUIRED WOULD BE SOME TYPE OF COMPLIANCE  
20 SCHEDULE, IF NOT A NOTICE AND ORDER. LOTS OF  
21 TIMES THE LEA ISSUES NOTICE AND ORDERS FOR THOSE  
22 TYPES OF VIOLATIONS ANYWAY.

23 IF THERE WERE NO COMPLIANCE  
24 SCHEDULE, WE WOULD URGE THE LEA TO DEVELOP ONE IN  
25 ORDER TO ASSESS THIS -- THE OPERATOR'S PROGRESS.

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1           ONCE WE ASSESS THEIR PROGRESS, IF THEY ARE MEETING  
2           THE INITIAL CRITERION FOR APPROPRIATE ENFORCEMENT  
3           ACTION, THEN BOARD STAFF WILL LOOK NO FURTHER INTO  
4           THE MATTER AT THAT TIME.   HOWEVER, IF TIMELY  
5           PROGRESS TOWARD COMPLIANCE IS NOT FORTHCOMING,  
6           THEY'RE NOT COMPLYING WITH THE COMPLIANCE  
7           SCHEDULE, THE BOARD WILL APPLY THE SECOND  
8           CRITERION AND REVIEW THE LEA'S ACTIONS TO  
9           DETERMINE IF THEY ARE INCREASING THEIR ENFORCE-  
10          MENT RESPONSE.   IF NOT, THE BOARD WILL ASSIST AND  
11          ENCOURAGE THE LEA TO TAKE FURTHER ENFORCEMENT  
12          ACTION OR REMEDY THE VIOLATION.

13                         IN ANY CASE, SHOULD A DETERMINATION  
14          BE MADE THAT THE LEA IS NOT TAKING APPROPRIATE  
15          ENFORCEMENT ACTION, THE BOARD MAY TAKE ACTION ON  
16          ITS OWN.   THIS COULD CONSIST OF THE ISSUANCE OF  
17          SOME TYPE OF NOTICE AND ORDER OR THE FILING OF A  
18          COURT ACTION.   PRIOR TO TAKING ACTION ON ITS OWN,  
19          THE BOARD MUST PROVIDE NOTICE TO THE LEA AND THE  
20          VIOLATOR OF THEIR INTENT TO TAKE THAT ACTION.

21                         SHOULD IT GET TO THIS STAGE IN THE  
22          PROCESS, BOARD STAFF WOULD SEND A NOTICE OF

INTENT

23          TO TAKE ACTION TO THE LEA AND THE VIOLATOR  
24          INFORMING THEM OF A SCHEDULED AGENDA ITEM BEFORE

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25 THE PERMITTING AND ENFORCEMENT COMMITTEE. THIS

1           ITEM WOULD SEEK APPROVAL FOR TAKING THAT SPECIFIC  
2           ACTION, ENFORCEMENT ACTION, AND THE COMMITTEE  
3           MEETING WOULD ALSO SERVE AS THE PUBLIC HEARING  
4           REQUIRED BY LAW.

5                       ONCE THE LEA AND OPERATOR WERE  
6           NOTIFIED, SHOULD THE LEA TAKE ACTION ON THEIR OWN  
7           OR THE VIOLATOR CORRECT THE VIOLATION PRIOR TO THE  
8           COMMITTEE MEETING, OF COURSE, THE AGENDA ITEM  
9           WOULD BE PULLED.

10                      THE THIRD ISSUE THAT THE ENFORCEMENT  
11           POLICY IS INTENDED TO ADDRESS IS THAT OF  
12           DEVELOPING STRATEGIES TO BRING FACILITIES WITH  
13           CHRONIC VIOLATIONS INTO COMPLIANCE. THE BOARD'S  
14           TECHNICAL ASSISTANCE TRAINING AND GUIDANCE EFFORTS  
15           AND IMPLEMENTATION OF THE STATE OVERSIGHT ROLE  
16           PROCEDURES THAT I JUST DISCUSSED WILL BOTH AID IN  
17           GENERALLY BRINGING FACILITIES WITH CHRONIC  
18           VIOLATION INTO COMPLIANCE. IN ADDITION TO THESE  
19           EFFORTS, BOARD AND LEA STAFF HAVE FOCUSED ON THE  
20           ISSUE OF BRINGING FACILITIES WITH CHRONIC,  
21           SIGNIFICANT CHANGE PERMIT VIOLATIONS INTO  
22           COMPLIANCE. PART A OF THE PERMIT COMPLIANCE  
23           STRATEGY ADDRESSES THIS ISSUE.

24                      IF YOU RECALL, IN OCTOBER WE DID  
25           PRESENT TO YOU AN ORIGINAL LIST OF 52 FACILITIES

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1 WITH CHRONIC SIGNIFICANT CHANGE VIOLATIONS. SINCE  
2 OCTOBER BOARD STAFF HAVE CONTINUED TO WORK CLOSELY  
3 WITH LEA'S ON THESE FACILITIES TO EXPEDITE THE  
4 PERMIT REVISION PROCESS OR OTHERWISE REMEDY THE  
5 VIOLATION. DURING THAT TIME 15 FACILITIES HAVE  
6 BEEN REMOVED. THAT LEAVES 37 FACILITIES ON THE  
7 LIST. THE LIST IS INCLUDED AS ATTACHMENT 3 IN  
8 YOUR AGENDA PACKET.

9 FOR EACH OF THE REMAINING  
10 FACILITIES, THE CURRENT LIST INCLUDES A BRIEF  
11 STATUS UPDATE, HAS SOME CRITICAL DATES REGARDING  
12 OPERATOR AND/OR LEA MILESTONES IN THE PERMITTING  
13 PROCESS. IN TOTAL, BY SEPTEMBER OF 1997,  
14 APPROXIMATELY 32 OF THOSE REMAINING 37 SITES WILL  
15 HAVE EITHER OBTAINED A PERMIT REVISION OR  
16 SUBMITTED A PERMIT REVISION APPLICATION. BOARD  
17 STAFF WILL BE PROVIDING AN UPDATED LIST AND STATUS  
18 REPORT ON THIS PORTION TO THE COMMITTEE IN  
19 SEPTEMBER.

20 ATTACHMENT 3 ALSO INCLUDES A CHART  
21 WHICH IDENTIFIES FREQUENT OBSTACLES CONFRONTED BY  
22 LEA'S AND OPERATORS WHEN REVISING PERMITS. TO  
23 HELP EXPEDITE THE PERMIT REVISION PROCESS IN THE  
24 FUTURE, BOARD STAFF WILL BE IMPLEMENTING SELECTED  
25 SOLUTIONS TO OVERCOME THOSE OBSTACLES. AND THIS

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1 WILL BE IN COLLABORATION WITH THE LEA'S IN THE  
2 ENFORCEMENT POLICY WORK GROUP.

3 SOME OF THE SOLUTIONS COULD INVOLVE  
4 THE DEVELOPMENT OF REGULATIONS, IN WHICH CASE, OF  
5 COURSE, BOARD STAFF WILL COME BACK AND SEEK  
6 SPECIFIC COMMITTEE AND BOARD APPROVAL PRIOR TO  
7 IMPLEMENTING THOSE.

8 THE FOURTH ISSUE THE POLICY IS  
9 INTENDED TO ADDRESS IS THE CONSIDERATION OF  
10 ENFORCEMENT ALTERNATIVES FOR SIGNIFICANT CHANGE  
11 VIOLATIONS. PART B OF THE PERMIT COMPLIANCE  
12 STRATEGY ADDRESSES THE PROBLEMS PRESENTED BY THE  
13 USE OF NOTICE AND ORDERS TO ALLOW OPERATORS TO  
14 OPERATE FACILITIES WITH SIGNIFICANT CHANGE PERMIT  
15 VIOLATIONS WHILE REVISING THEIR PERMITS, SOMETIMES  
16 OVER A SIGNIFICANT PERIOD OF TIME.

17 PRC 44004(B) REQUIRES OPERATORS TO  
18 APPLY FOR A PERMIT REVISION 150 DAYS PRIOR TO  
19 MAKING ANY SIGNIFICANT CHANGES IN OPERATION OR  
20 DESIGN. FOR CHRONIC SIGNIFICANT CHANGE  
21 VIOLATIONS, THERE ARE TWO BASIC OPTION LEA'S HAVE  
22 USED TO GET THE OPERATOR BACK INTO COMPLIANCE.  
23 ONE WOULD BE TO CAUSE THE OPERATOR TO RETURN TO  
24 OPERATIONS AS AUTHORIZED BY THE EXISTING PERMIT  
25 UNTIL THE PERMIT IS REVISED, OR ARE THE SECOND IS

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1 CAUSE THE OPERATOR TO PURSUE A PERMIT REVISION  
2 WHILE ALLOWING THE VIOLATION TO CONTINUE UNDER A  
3 NOTICE AND ORDER.

4 IN THE ENFORCEMENT POLICY WORK  
5 GROUP, WHEN WE DISCUSSED THIS, IT WAS AGREED THAT  
6 THERE ARE CASES WHERE OPTION 2 IS THE PREFERRED  
7 ALTERNATIVE, ENVIRON- MENTALLY SPEAKING. IT WAS  
8 ALSO AGREED THAT THE FACILITIES SHOULD MEET  
9 CERTAIN CRITERIA, THOUGH, IN ORDER TO BE ELIGIBLE  
10 FOR THAT OPTION AND THAT ADHERENCE TO THE CRITERIA  
11 SHOULD BE DOCUMENTED.

12 CURRENTLY THE CRITERIA IN THE 1990  
13 PERMIT ENFORCEMENT POLICY ARE NOT WELL DEFINED,  
14 AND THERE'S NO WAY TO MAKE CERTAIN THE CRITERIA  
15 ARE MET SINCE THE POLICY IS NOT BINDING. THIS HAS  
16 RESULTED IN FACILITIES BEING ABLE TO VIOLATE  
17 PERMIT REQUIREMENTS AND IN MOST CASES PREDICTABLY  
18 BE ASSURED OF CONTINUING THE VIOLATION UNDER A  
19 NOTICE AND ORDER UNTIL THE PERMIT IS REVISED.  
20 UNDER THIS SCENARIO THERE'S NOT MUCH OF A  
21 DETERRENT REGARDING THE COMMISSION OF THE  
22 SIGNIFICANT CHANGE VIOLATIONS, AND IT COULD  
23 INADVERTENTLY ENCOURAGE PERMIT VIOLATIONS AND  
24 RESULT IN A CIRCUMVENTION OF PRC 44004.

25 IN ADDITION, SOMETIMES A PERMIT CAN

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1           LOSE ITS EFFECTIVENESS AS A CONDITIONING DOCUMENT.  
2           IN ORDER TO ENSURE THERE IS A SUFFICIENT DETERRENT  
3           TO COMMITTING SIGNIFICANT CHANGE VIOLATIONS AND  
4           THAT PERMITS ARE EFFECTIVE AS CONDITIONING  
5           DOCUMENTS, THE FOLLOWING THREE POTENTIAL SOLUTIONS  
6           WERE DEVELOPED BY THE WORK GROUP.

7                         FIRST ONE WAS DEVELOP REGULATIONS  
8           CONTAINING WELL-DEFINED CRITERIA THAT MUST BE MET  
9           PRIOR TO IMPLEMENTING OPTION 2, WHICH IS ISSUING  
10          THE NOTICE AND ORDER AND ALLOWING THE OPERATOR TO  
11          CONTINUE TO VIOLATE WHILE THEY PURSUE A PERMIT  
12          REVISION. THE LEA UNDER THIS SCENARIO WOULD BE  
13          REQUIRED TO DOCUMENT THAT THE CRITERIA HAD BEEN  
14          MET PRIOR TO ISSUING THE NOTICE AND ORDER.

15                        A SECOND SOLUTION MIGHT BE TO  
16          DEVELOP REGULATIONS -- OR ACTUALLY THIS, IN  
17          TALKING TO LEGAL STAFF, THEY SAID THIS WOULD  
18          PROBABLY REQUIRE A STATUTORY CHANGE. SO IT  
19          DOESN'T LOOK LIKE TOO GOOD OF AN OPTION AT THIS  
20          POINT, BUT WOULD ALLOW TEMPORARY WAIVERS OF PERMIT  
21          CONDITIONS WHERE THE OPERATOR REQUESTS SUCH A  
22          WAIVER PRIOR TO INSTITUTING A SIGNIFICANT CHANGE  
23          IN DESIGN OR OPERATION.

24                        I WON'T GO OVER THE SUGGESTED  
25          CRITERIA TO BE MET IN ORDER TO IMPLEMENT THOSE

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1 FIRST TWO OPTIONS, BUT THEY'RE LISTED ON PAGE 12  
2 OF THE AGENDA ITEM.

3 THIRD SOLUTION MIGHT BE TO INCLUDE  
4 FACILITIES WITH SIGNIFICANT CHANGE PERMIT  
5 VIOLATIONS ON THE INVENTORY AS A DETERRENT. IT'S  
6 BEEN SEEN IN THE LAST FEW MONTHS SINCE WE -- SINCE  
7 APRIL OF LAST YEAR THAT THE USE OF INVENTORY HAS  
8 MET WITH SOME SUCCESS IN BRINGING ABOUT  
9 CORRECTIONS OF SOME CHRONIC STATE MINIMUM  
10 STANDARDS VIOLATIONS AND COULD WORK JUST AS WELL  
11 WITH PERMIT VIOLATIONS.

12 ONE PROBLEM WITH THIS APPROACH,  
13 AGAIN, IT MAY ENTAIL THE PURSUIT OF A STATUTORY  
14 CHANGE DUE TO THE FACT THAT THE INVENTORY IS  
15 SPECIFICALLY FOR STATE MINIMUM STANDARD VIOLATIONS  
16 AND NOT PERMIT VIOLATIONS.

17 REGARDING THE STAFF RECOMMENDATION  
18 ON THIS PARTICULAR SUBISSUE IN THE PERMIT  
19 COMPLIANCE STRATEGY, I JUST WANT TO NOTE THAT  
20 THERE'S -- OF THE 37 SITES WITH SIGNIFICANT CHANGE  
21 VIOLATIONS LEFT ON THE LIST, 28 OF THEM HAVE 1978  
22 OR 1979 PERMITS. AS THESE SO-CALLED GRAND-  
23 FATHERED PERMITS ARE REVISED OVER THE NEXT FEW  
24 MONTHS, THERE WILL BE LESS AND LESS OF A NEED TO  
25 ALLOW THE OPERATOR TO CONTINUE TO VIOLATE THE

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1 PERMIT UNDER A NOTICE AND ORDER WHILE PURSUING A  
2 PERMIT REVISION OR UTILIZING OPTION 2. THEREFORE,  
3 IN THE SHORT TERM, BOARD STAFF IS RECOMMENDING TO  
4 CONTINUE TO PURSUE THE PERMIT REVISIONS OF THE  
5 SITES ON THE LIST WITH THOSE OLD PERMITS; AND THAT  
6 ONCE THESE PERMITS HAVE BEEN REVISED, BOARD STAFF  
7 CAN REASSESS THE SITUATION AND SEE IF THERE'S  
8 STILL A PROBLEM OF A GREAT ENOUGH MAGNITUDE TO  
9 JUSTIFY IMPLEMENTING ONE OR MORE OF THOSE THREE  
10 SOLUTIONS I JUST WENT OVER WHICH WOULD INVOLVE  
11 REGULATIONS OR STATUTORY CHANGE.

12 THE FIFTH ISSUE, FINAL ISSUE,  
13 INVOLVES CLARIFYING WHAT CRITERIA SHOULD BE  
14 APPLIED TO DETERMINE IF A PROPOSED PERMIT IS  
15 CONSISTENT WITH STATE MINIMUM STANDARDS. IT'S  
16 PART C OF THE PERMIT COMPLIANCE STRATEGY, AND THAT  
17 WILL BE ADDRESSED BY THE ENFORCEMENT POLICY WORK  
18 GROUP. THAT PORTION IS STILL UNDER CONSIDERATION  
19 AND DEVELOPMENT BY THAT WORK GROUP. AND IT'S NOT  
20 UP FOR YOUR CONSIDERATION TODAY.

21 IN SUMMARY, I'D LIKE TO DIRECT YOU  
22 TO PAGE 4 OF THE AGENDA ITEM, WHICH ARE THE  
23 OPTIONS FOR THE COMMITTEE. IN ORDER TO FULFILL  
24 THE BOARD'S GENERAL RESPONSIBILITIES REGARDING LEA  
25 ENFORCEMENT PROGRAMS AND TO ADDRESS THE SPECIFIC

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1 ISSUES JUST DISCUSSED, BOARD STAFF IS RECOMMENDING  
2 APPROVAL OF ENFORCEMENT POLICY ELEMENTS 1, 3, 4,  
3 AND 6 AND THE DEVELOPMENT OF NECESSARY REGULATIONS  
4 AS FOLLOWS:

5 ELEMENT NO. 1, APPROVE THE ATTACHED  
6 ENFORCEMENT ADVISORY FOR RELEASE AS AN LEA  
7 ADVISORY. THAT'S INCLUDED AS ATTACHMENT 1 OF THE  
8 ITEM.

9 ELEMENT 3 WOULD BE APPROVE THE  
10 ATTACHED INSPECTION AND ENFORCEMENT TRAINING  
11 SCHEDULE FOR RELEASE TO LEA'S AND IMPLEMENTATION.  
12 THIS IS INCLUDED AS ATTACHMENT 2 OF THE ITEM.

13 ELEMENT 4 WOULD BE APPROVE PARTS A  
14 AND B OF THE PERMIT COMPLIANCE STRATEGY AS  
15 PRESENTED IN THIS ITEM FOR IMPLEMENTATION BY BOARD  
16 STAFF. ATTACHMENT 3 CONTAINS SUPPLEMENTAL  
17 INFORMATION REFERENCED IN THE ITEM.

18 ELEMENT 6, APPROVE THE ATTACHED  
19 STATE OVERSIGHT ROLE PROCEDURES FOR IMPLEMENTATION  
20 BY BOARD STAFF. AND THIS IS INCLUDED AS  
21 ATTACHMENT 4 OF THE ITEM.

22 REGARDING THE DEVELOPMENT OF  
23 REGULATIONS, APPROVE THE ATTACHED REGULATORY  
24 DEVELOPMENT OUTLINE FOR IMPLEMENTATION OF THE  
25 VARIOUS ELEMENTS. THIS IS INCLUDED AS ATTACHMENT

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1 5 OF THE ITEM.

2 IN CONCLUSION, BOARD STAFF  
3 RECOMMENDS THE COMMITTEE ADOPT RESOLUTION NO.  
4 97-31, APPROVING THE ENFORCEMENT POLICY ELEMENTS  
5 AS I JUST OUTLINED THEM. THIS CONCLUDES STAFF  
6 PRESENTATION. IF YOU HAVE ANY QUESTIONS, I'D BE  
7 HAPPY TO TRY AND ANSWER THEM.

8 CHAIRMAN FRAZEE: THAT'S A LOT ON OUR  
9 PLATE.

10 MR. CHANDLER: WELL, I JUST WANTED TO SAY  
11 A COUPLE THINGS FIRST. I GUESS WE TOOK SOME TIME  
12 OFF FOR THE HOLIDAYS. AS YOU CAN SEE, MR. WILLMAN  
13 DIDN'T AND MANY OF THE LEA'S HE'S BEEN WORKING  
14 WITH HAVEN'T AS WELL.

15 THIS HAS BEEN A TREMENDOUS AMOUNT OF  
16 WORK THAT WENT INTO THIS. WHILE I WILL ADMIT THAT  
17 IT BY NO MEANS PERHAPS MEETS THE LETTER PERFECT IN  
18 ALL AREAS, WE'RE GOING TO HEAR FROM MEMBERS OF THE  
19 PUBLIC AND YOUR COMMENTS AND CONCERNS, I THINK IT  
20 SHOULD BE NOTED THAT IT MOVES FORWARD THE AGENDA  
21 THAT YOU HAVE ASKED FOR, WHICH IS TO START GETTING  
22 CLARITY TO OUR POLICIES AND PROCEDURES AS IT  
23 RELATES TO OUR WHOLE AREA OF ENFORCEMENT ISSUES  
24 AROUND WHAT CONSTITUTES MINIMUM CHANGE, THE  
NEED  
25 TO GET MORE ADVISORIES OUT, AND THE NEED TO

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1 PROVIDE BETTER WORKING RELATIONSHIPS WITH THE  
2 LEA'S AROUND TRAINING PROGRAMS AND THE LIKE.

3 SO WE'RE ANXIOUS FOR YOUR REVIEW AND  
4 WANT TO WORK WITH THE COMMENTS WE GET TODAY, BUT I  
5 JUST WANT TO THANK PAUL FOR, AS THE LEAD, IF YOU  
6 WILL, THE GOOD EFFORT ON WHAT HAS BEEN A  
7 LONG-STANDING SORE POINT WITH ME, THAT WE NEEDED  
8 MORE CLARITY FOR THE LEA'S TO REALLY KNOW WHAT  
9 DIRECTION THIS BOARD WAS ASKING FOR. I THINK PAUL  
10 DID A YEOMAN'S JOB IN THAT REGARD. AND ALBEIT  
11 THERE'S STILL MORE THAT NEEDS TO BE DONE, HE'S  
12 DONE A TREMENDOUS JOB.

13 MR. WILLMAN: JUST A LOT OF KUDOS TOO.  
14 THE LEA'S THAT PARTICIPATED ON THE ENFORCEMENT  
15 POLICY WORK GROUP AND ALL THE VARIOUS PEOPLE IN  
16 THE P&E DIVISION ALSO THAT DID THIS. THIS IS  
17 DEFINITELY A COLLABORATIVE EFFORT.

18 MR. CHANDLER: I'M SURE YOU HAVE SOME  
19 QUESTIONS. I KNOW MR. RELIS HAS A NUMBER.

20 MEMBER RELIS: MR. CHAIR, I DO HAVE A  
21 NUMBER OF COMMENTS TO MAKE ON THIS MATTER. I  
22 THINK I'D LIKE TO ECHO WHAT RALPH SAID ABOUT  
23 PAUL'S WORK AND THE REST OF STAFF AND THE LEA'S.  
24 I THINK THIS HAS BEEN A HUGE EFFORT AND IT'S A  
25 HUGE SUBJECT. IT GOES TO THE HEART OF THIS

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1 BOARD'S FUNCTION AS A REGULATORY AGENCY.

2 SO WITH THAT, I THINK THAT I'D LIKE  
3 TO SAY THAT STAFF HAS, I THINK, SURFACED THE  
4 RELEVANT ISSUES. AND I WOULD ONLY ADD THAT I  
5 THINK IT'S PROBABLY PREMATURE TODAY PROBABLY TO  
6 ACT ON THIS BECAUSE I THINK -- AND I'D LIKE TO  
7 ELABORATE WHY I THINK THAT MIGHT BE THE CASE. I  
8 THINK THAT WE HAVE THE FRAMEWORK NOW. THAT'S WHAT  
9 I WAS LOOKING FORWARD TO BEING ABLE TO GET INTO.

10 MANY ISSUES HAVE BEEN RAISED OVER  
11 THE YEARS ABOUT THE CLARITY OR LACK OF OUR  
12 ENFORCEMENT POLICY. IT'S BEEN A SOURCE OF  
13 FRUSTRATION TO, I KNOW, STAFF AT TIMES AND TO  
14 BOARD MEMBERS. AND BY -- I THINK THE SYSTEM IS A  
15 LITTLE BIT BROKEN. I THINK WE NEED TO DO SOME  
16 THINGS TO FIX IT.

17 THE FIRST ISSUE THAT I'D LIKE TO  
18 RAISE IS THE ROLE OF THE BOARD'S LEA EVALUATION  
19 PROCESS AND THE OVERALL ENFORCEMENT POLICY  
20 FRAMEWORK. I AGREE WITH THE STATEMENTS ON PAGES

4

21 AND 7 AND IN ATTACHMENT 4, THAT A PRIMARY ROLE

OF

22 THE BOARD IS TO PROVIDE REGULATORY TOOLS AND

23 TRAINING AND ASSISTANCE, GUIDANCE, AND SUPPORT.

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24                   THOSE ARE WHAT I WOULD CALL OUR PARTNERSHIP  
25                   FUNCTIONS.

1                   AT THE SAME TIME, THOUGH, WE HAVE  
2                   THE BURDEN, THE RESPONSIBILITY OF MAINTAINING AN  
3                   OVERSIGHT OVER THE LEA, AND THE EVALUATION PROCESS  
4                   THAT IS MENTIONED OFTEN IN THE AGENDA ITEM AND  
5                   ATTACHMENTS OFTEN STRIKES ME AS BEING PROCEDURAL  
6                   IN EMPHASIS; WHEREAS, I THINK IT NEEDS TO BE  
7                   POLICY ORIENTED AS WELL. SO IT'S NOT JUST A  
8                   MATTER OF PROCEDURE; IT'S POLICY.

9                   IN MY VIEW IT'S CRITICAL THAT THE  
10                  INTRODUCTORY PARTS OF THE POLICY SEND A MESSAGE  
11                  THAT THE BOARD ALSO INTENDS TO USE THE EVALUATION  
12                  PROCESS TO HOLD LEA'S TO A HIGH AND CONSISTENT  
13                  PERFORMANCE STANDARD.

14                  NOW, REGARDING THE BOARD'S  
OVERSIGHT

15                  ROLE. THE BOARD AND THE GENERAL PUBLIC NEED A  
16                  MEANS OF ASSURING THAT TIMELY STEPS ARE INDEED  
17                  BEING TAKEN BY THE LEA AND/OR BOARD TO ENSURE  
THAT

18                  AN INDIVIDUAL FACILITY IS IN COMPLIANCE OR WILL  
BE

19                  IN COMPLIANCE, BOTH AS A MATTER OF RECORD, WHAT  
20                  I'VE CALLED THE DISCLOSURE ASPECT TO THAT, AND  
THE

21                  ACTUAL DOING OF IT.

22                  ONE OPTION IS TO ESTABLISH A

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23                DATABASE THAT TRACKS THE STATUS OF BOARD AND LEA  
24                ACTIONS. WE KEEP THE INVENTORY, BUT THE  
INVENTORY  
25                IS A SNAPSHOT IN TIME. WE MIGHT WANT TO CONSIDER

1 A REAL TIME SYSTEM WHERE THAT'S CONSTANTLY BEING  
2 UPDATED AS PART OF THIS OVERALL IN THE 50-PERCENT  
3 FRAMEWORK OF THE BOARD BECOMING THIS REPOSITORY OF  
4 THE MOST CURRENT INFORMATION ON ALL ASPECTS OF OUR  
5 FUNCTIONS. AND I THINK THAT'S AN INTEGRAL PART OF  
6 OUR OVERSIGHT ROLE. INFORMATION, AS WE LEARNED A  
7 LITTLE EARLIER, IN JUST PUBLISHING THE INVENTORY,  
8 IT SEEMED TO HAVE SOME POSITIVE EFFECTS ON  
9 COMPLIANCE.

10 SUCH A DATABASE MAY BE DIFFICULT TO  
11 MAINTAIN, BUT IT WOULD BE A DIRECT MECHANISM BY  
12 WHICH THE BOARD COULD PROVIDE ACCOUNTABILITY IN  
13 ITS OVERSIGHT FUNCTION.

14 SECOND, I BELIEVE WE NEED AS CLEAR  
15 AN UNDERSTANDING AS POSSIBLE OF WHAT CONSTITUTES A  
16 CHRONIC VIOLATION. AND I KNOW THIS IS A DEBATE  
17 THAT GOES BACK AND FORTH BETWEEN THE LEA'S AND  
18 STAFF, OUR STAFF. BUT WE NEED TO GET TO THE POINT  
19 WHERE WE KNOW WHAT WOULD TRIGGER THE STEPS  
20 OUTLINED IN THE FLOW CHART. THERE ARE TWO PARTS  
21 TO THIS ISSUE: HOW MUCH DISCRETION SHOULD LEA'S  
22 HAVE IN DECIDING WHETHER OR NOT TO CITE VIOLATIONS  
23 OBSERVED ON SITE INSPECTIONS? WHY IS THIS  
24 IMPORTANT? BECAUSE I THINK UNLESS LEA'S ARE  
25 CONSISTENT IN CITING VIOLATIONS, WE WON'T BE

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1           ASSURED OF CONSISTENCY AND DILIGENCE IN  
2           DETERMINING CHRONIC VIOLATIONS, WHICH ARE THE  
3           TRIGGER MECHANISM FOR BOARD ACTION.  REMEMBER  
4           WE'RE RETREATING IN THE ROLE THAT WE HAVE PLAYED.  
5           IN THE 1220 WORLD, WE'VE BECOME MORE OF A  
6           TECHNICAL ASSISTANCE AND AN OVERSIGHT, BUT WE  
7           HAVEN'T DEFINED ALTOGETHER WHAT THAT OVERSIGHT IS.

8                               SO I'D LIKE TO HEAR MORE ABOUT THIS  
9           FROM STAFF.  I KNOW IT'S BEEN THE SUBJECT OF YOUR  
10          LEA ROUND TABLE DISCUSSIONS.  I PERSONALLY DON'T  
11          THINK THERE SHOULD BE DISCRETION ON CITING AND  
12          REPORTING VIOLATIONS, ALTHOUGH LEA'S MIGHT

STILL

13          NEED DISCRETION ON THEIR ACTUAL RESPONSES  
TO

14          VIOLATIONS.  SO THE DISTINCTION IS, I  
THINK, IF

15          IT'S A VIOLATION, IT'S A VIOLATION.  THERE  
MAY BE

16          VARIOUS REMEDIES AND FLEXIBILITY IN  
DEALING WITH

17          THE VIOLATION, BUT I THINK UNLESS WE CAN  
PIN THAT

18          DOWN BETTER, WE HAVE A PROBLEM IN OUR  
OVERSIGHT

19          ROLE BECAUSE IF WE DON'T KNOW A VIOLATION

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HAS

20 OCCURRED OR IT'S GRAY IN THAT AREA, WE

WON'T KNOW

21 ABOUT IT. SO IT WON'T BE A MATTER FOR OUR

22 OVERSIGHT.

23 DO WE HAVE A SUFFICIENTLY

CLEAR

24 DEFINITION OF CHRONIC VIOLATION, AND

PARTICULARLY

25 WHAT IS A SIGNIFICANT CHANGE AND HOW LONG

A

1           SIGNIFICANT VIOLATION SHOULD BE ALLOWED TO  
2           CONTINUE BEFORE IT'S CONSIDERED A CHRONIC  
3           VIOLATION? WE NEVER DID DEFINE THAT IN TERMS OF  
4           TONNAGE CHANGES. I MEAN WE SAW TONNAGE COME IN  
5           AND GO FROM 50 TONS TO 200 TO HIGHER THAN THAT,  
6           AND THAT DIDN'T SEEM TO TRIGGER MORE THAN AN N&O,  
7           AND THAT'S THE SUBJECT, THE HEART AND SOLE OF  
8           WHICH PAUL CLARIFIED VERY CLEARLY. WHILE IT MAY  
9           BE VERY DIFFICULT TO GET AT THE BOTTOM OF WHAT IS  
10          A SIGNIFICANT CHANGE, IT'S CRITICAL TO OUR  
11          OVERSIGHT FUNCTION TO DEFINE THAT WITH ENOUGH  
12          CLARITY TO MAKE IT WORKABLE FOR US.

13                       AND WHY ALLOW FIVE MONTHS, FOR  
14          INSTANCE, BEFORE A SIGNIFICANT CHANGE VIOLATION IS  
15          CONSIDERED CHRONIC? IS THAT TOO LONG? IS IT TOO  
16          SHORT? I DON'T REALLY KNOW WHAT THE FRAMEWORK IS  
17          THERE.

18                       WHAT ARE THE ACTUAL TIME FRAMES  
19          WITHIN WHICH THE BOARD WILL INITIATE THE VARIOUS  
20          ACTIONS DESCRIBED IN THE OVER -- IN THE  
21          ENFORCEMENT OVERSIGHT FLOW CHART? FOR EXAMPLE,  
22          WHEN WOULD WE SEND A LETTER TO THE LEA REQUESTING  
23          AN INCREASED ENFORCEMENT RESPONSE? TO ADDRESS  
24          THIS, I THINK THERE ARE SEVERAL POINTS IN THE  
25          NARRATIVE, IN THE FLOW CHART WHERE THE BOARD

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1 SHOULD INDICATE A TIME CERTAIN WITHIN WHICH IT  
2 WILL INITIATE THE SPECIFIED ACTION. WE SHOULD  
3 ALSO CONSIDER WHETHER THERE ARE ADDITIONAL TIME  
4 FRAMES WITHIN WHICH WE EXPECT THE LEA TO INITIATE  
5 SPECIFIED ACTIONS.

6 JUST BARE WITH ME A LITTLE MORE  
7 BECAUSE I CAN PROVIDE ALL THIS TO STAFF BY WAY OF  
8 FOLLOW-UP, IF THAT'S THE WAY WE CHOOSE TO GO.

9 NOW, I'D LIKE TO ADDRESS THE  
10 PERMITTED COMPLIANCE STRATEGY. STRATEGIES TO  
11 BRING FACILITIES WITH CHRONIC VIOLATIONS INTO  
12 COMPLIANCE: FIRST, WE NEED TO HAVE A GOOD HANDLE  
13 ON FACILITIES NOT IN COMPLIANCE AND WHY. WE HAVE  
14 A LIST OF THOSE THAT ARE NOT IN COMPLIANCE. IT'S  
15 NOT CLEAR TO ME WHAT ALL THE VIOLATIONS ARE  
THERE,  
16 GOING DOWN THAT LIST, THE 57 OR WHATEVER.

17 MR. WILLMAN: THOSE ALL HAVE SIGNIFICANT  
18 CHANGE PERMIT VIOLATIONS. MOST OF THEM ARE  
19 TONNAGE.

20 MEMBER RELIS: MOST OF THEM ARE TONNAGE.  
21 MAYBE -- I'LL NEED TO JUST GET A LITTLE MORE  
22 INFORMATION ON THAT.

23 BUT ANYWAY, BACK TO THIS MATTER OF  
24 THE NATURE OF SIGNIFICANT CHANGE, IF IT'S RELATED

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25 TO GROSS EXCEEDANCES OF TONNAGE, FINE, SIZE

1 CONDITIONS OR HEIGHT. ALSO --

2 MR. WILLMAN: PAUL, THE ORIGINAL LIST OF  
3 THE 52 LISTED EACH PARTICULAR WHY IT WAS IN  
4 VIOLATION. THIS ONE DOESN'T HAVE IT. I CAN PUT  
5 IT BACK IN IN THE NEXT VERSION IF YOU LOOK AT  
6 THAT.

7 MEMBER RELIS: I APPRECIATE IT.

8 THEN STAFF INDICATES IT WILL BE  
9 IMPLEMENTING SELECTED SOLUTIONS TO OVERCOME  
10 OBSTACLES LISTED IN ATTACHMENT 3, THE CHART ON  
11 OBSTACLES. IN GENERAL I AGREE WITH THIS CONCEPT,  
12 BUT WOULD LIKE TO SEE MORE DETAIL ON WHAT IT MIGHT  
13 ENTAIL, NO MATTER WHETHER IT'S REGULATORY OR  
14 ADMINISTRATIVE IN NATURE.

15 THEN REGARDING ENFORCEMENT  
16 ALTERNATIVES FOR SIGNIFICANT CHANGE VIOLATIONS, WE  
17 COULD HAVE AN OPTION 1 WHERE WE COULD CAUSE THE  
18 OPERATOR TO RETURN TO OPERATIONS AS AUTHORIZED BY  
19 THE EXISTING SOLID WASTE FACILITY PERMIT. NOW,  
20 THAT'S ONE YOU MENTIONED. I DON'T RECALL THIS  
21 BOARD EVER DOING THAT. MAYBE I'M FORGETTING.

22 MR. WILLMAN: LEA'S HAVE TO DO THAT  
23 ON  
24 OCCASIONS.

25 MEMBER RELIS: ON OCCASION. BUT I  
26 HAVE

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25 NOT SEEN IT. WE HAVE NOT TAKEN THAT ACTION, I

1 BELIEVE, AT THE BOARD. BUT THAT IS ONE OF THE  
2 MAJOR ALTERNATIVES THAT YOU OFFER, AND I THINK  
3 IT'S ONE CERTAINLY THAT WE OUGHT TO CONSIDER.

4 WE MIGHT WANT TO CAUSE THE OPERATOR  
5 TO REVISE THE PERMIT WHILE ALLOWING THE VIOLATION  
6 TO CONTINUE UNDER THE NOTICE AND ORDER. I AGREE  
7 WITH THE STAFF, THAT WE'D NEED A WELL-DEFINED  
8 CRITERIA THAT THE OPERATOR MUST MEET PRIOR TO  
9 ALLOWING THIS OPTION. THE QUESTION IS WHETHER TO  
10 DEVELOP REGULATIONS THAT ESTABLISH THESE CRITERIA  
11 AND ADDRESS RELATED QUESTIONS, SUCH AS HOLDING A  
12 LOCAL HEARING OR ALLOWING TEMPORARY WAIVERS OF  
13 PERMIT CONDITIONS WHERE THE OPERATOR REQUESTS ONE  
14 PRIOR TO INSTITUTING A SIGNIFICANT CHANGE.

15 STAFF RECOMMENDS THE BOTTOM OF PAGE  
16 12 THAT IT PURSUE PERMIT REVISIONS OF THE 28 SITES  
17 WITH 1978 TO '79 PERMITS AND THEN REASSESS THE  
18 SITUATION TO SEE WHETHER WE NEED REGS. HOWEVER, I  
19 THINK THERE'S BEEN ENOUGH CONFUSION ON THE  
20 RELATIONSHIP BETWEEN A NOTICE AND ORDER AND PERMIT  
21 REVISIONS, AND WE MAY ALSO STILL NEED A DETERRENT  
22 TO FUTURE SIMILAR SITUATIONS. SO PERHAPS IT WOULD  
23 BE MORE PRUDENT TO PROCEED WITH REGULATIONS TO  
24 ESTABLISH CRITERIA FOR REVISING PERMITS WHILE  
25 VIOLATIONS CONTINUE UNDER A NOTICE AND ORDER.

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1 I THINK I'LL STOP THERE. IT'S CLEAR  
2 THAT IT'S -- I'VE HAD MANY CONCERNS REGARDING THIS  
3 MATTER. I THOUGHT I WOULD VOICE THESE. I BELIEVE  
4 THAT GIVEN THE FACT THAT THIS IS SUCH A MONUMENTAL  
5 TOPIC AND IT AFFECTS SO MANY PARTIES IN INDUSTRY,  
6 ENVIRONMENTAL CONCERNS, AND ALL, THAT THIS HAS NOT  
7 BEEN CIRCULATED IN ANY MAJOR WAY YET. I MEAN  
8 ESPECIALLY WITH THE HOLIDAYS, AND I BELIEVE I  
9 WOULD LIKE SOME RESPONSE TO COMMENTS I'VE MADE AND  
10 A REFLECTION OF THAT IF OTHER MEMBERS ARE IN  
11 AGREEMENT TO BRING THIS BACK WITH INPUT BOTH FROM  
12 COMMITTEE MEMBERS AND FROM THE PUBLIC AND TO GIVE  
13 THEM MORE TIME TO COMMENT.

14 MEMBER PENNINGTON: I, FOR ONE, CONCUR  
15 WITH THAT. I'D LIKE TO HAVE MORE TIME TO LOOK AT  
16 IT MYSELF.

17 MR. CHANDLER: PAUL, YOU HAVE OBVIOUSLY  
18 SPENT A CONSIDERABLE AMOUNT OF TIME AND YOU HAVE  
19 SOME PREPARED REMARKS. I THINK AS OPPOSED TO US  
20 TRYING TO SPEAK TO THAT LONG LIST, IF WE COULD  
21 JUST RECEIVE A COPY OF YOUR COMMENTS, THEN WE CAN  
22 GO BACK AND WORK WITH STAFF AND SEE WHICH AREAS.  
23 SOME OF THE AREAS THAT YOU COVERED I FELT WE HAD,  
24 IN FACT, ADDRESSED, THE LENGTH OF SIGNIFICANT  
25 CHANGE OR A CHRONIC CHANGE AND HOW LONG THAT  
WOULD

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1 BE ALLOWED TO GO ON BEFORE IT WOULD BE CONSIDERED  
2 CHRONIC. PERHAPS WE NEED TO DO A BETTER JOB OF  
3 CLARIFYING WHAT WE'RE PROPOSING THERE. THAT'S  
4 JUST A SMALL EXAMPLE OF WHERE WE NEED TO GET BACK  
5 TO YOU IN RESPONSE TO THE COMMENTS YOU'VE JUST  
6 PROVIDED.

7 SO AS OPPOSED TO HAVING PAUL ATTEMPT  
8 TO ADDRESS ANYTHING SPECIFIC RIGHT NOW, I THINK WE  
9 JUST NEED TO BE IN RECEIPT OF YOUR COMMENTS AND  
10 OBVIOUSLY OPEN IT FOR THOSE WHO SUBMITTED SLIPS  
11 AND SEE WHAT OTHER COMMENTS FROM THE AUDIENCE THAT  
12 WE ALSO NEED TO ADDRESS.

13 MEMBER RELIS: BE FINE.

14 CHAIRMAN FRAZEE: LET'S HEAR, THEN, FROM  
15 THOSE WHO WISH TO SPEAK ON THIS ITEM. CHUCK  
16 WHITE, WMX.

17 MR. WHITE: THANK YOU VERY MUCH, MR.  
18 CHAIRMAN AND MEMBERS OF THE COMMITTEE. NAME IS  
19 CHUCK WHITE WITH WMX TECHNOLOGIES.

20 I HAVE TO REALLY COMMEND THE STAFF  
21 AND THE BOARD FOR BRINGING THIS TYPE OF EFFORT  
22 ALONG AS FAR AS IT HAS. IT'S CERTAINLY SOMETHING  
23 THAT'S NEEDED. I WISH I WERE IN A POSITION TO  
24 SAY, YES, YOU SHOULD MOVE FORWARD AND ADOPT IT  
25 POSTHASTE. BUT I HAVE TO AGREE WITH MR. RELIS,

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1            THAT I THINK IT PROBABLY DOES REQUIRE A LITTLE BIT  
2            OF ADDITIONAL WORK CERTAINLY ON THE ITEMS THAT MR.  
3            RELIS MENTIONED, BUT ALSO ON ANOTHER -- AT LEAST  
4            ONE OTHER ISSUE.  AND THAT HAS TO DO WITH THE  
5            EPA'S ENFORCEMENT POLICY WHICH WAS ADOPTED LAST  
6            YEAR, AND THE WHOLE IDEA OF SELF-AUDITS AND THE  
7            CONSIDERATION GIVEN TO SELF-REPORTING OF  
8            VIOLATIONS.

9                            I DIDN'T BRING A COPY OF THAT POLICY  
10            ALONG.  I'D BE HAPPY TO FORWARD A COPY ALONG, BUT  
11            I'M SURE YOU HAVE ACCESS TO IT.  BUT THAT'S THE  
12            POLICY CAL/EPA ADOPTED EARLIER IN 1996, THAT  
13            BASICALLY DID A WHOLE NUMBER OF THINGS, BUT SAID  
14            FOR ENFORCEMENT WITHIN CAL/EPA, PRIMARILY CAL/EPA  
15            ITSELF, THIS POLICY SHALL PREVAIL.  IN ADOPTING  
16            THAT POLICY, THEY ENCOURAGED ALL OF THE CAL/EPA  
17            MEMBER AGENCIES TO ADOPT SIMILAR POLICIES OR  
18            REGULATIONS THAT ARE CONSISTENT WITH THE CAL/EPA  
19            POLICY BECAUSE THE CAL/EPA POLICY ONLY PERTAINS  
20            TO  
21            ENFORCEMENT ACTIONS THAT CAL/EPA ITSELF DOES.

AND

21            AS YOU ARE PROBABLY AWARE WITHIN OVERALL CAL/EPA,  
22            THE AMOUNT THAT CAL/EPA DOES IS SOMEWHAT LIMITED,  
23            AND TO ACTUALLY IMPLEMENT THAT ENFORCEMENT POLICY

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24                   REQUIRES ALL THE MEMBER DEPARTMENTS AND BOARDS TO  
25                   SIMILARLY ADOPT THAT ENFORCEMENT POLICY AND WORK

1           IT INTO ITS OWN ENFORCEMENT FRAMEWORK.

2                       THAT POLICY IS REALLY AN IMPORTANT

3           ONE, CERTAINLY FROM OUR PERSPECTIVE, WE THINK THE

4           ENTIRE SOLID WASTE INDUSTRY, BECAUSE IT GIVES

5           CREDENCE TO SELF- REPORTING AND THE CREDIT YOU

GET

6           FOR SELF-REPORTING, IF YOU DO COME ACROSS

THROUGH

7           AN INTERNAL AUDIT PROCESS A VIOLATION, IN FACT,

UP

8           TO 80- OR 85-PERCENT PENALTY MITIGATION IS

9           AVAILABLE IF THERE'S A NUMBER OF SIX OR SEVEN

10          DIFFERENT ITEMS ARE ADDRESSED THROUGH THAT

11          SELF-REPORTING.

12                       FOR EXAMPLE, IF YOU ARE

13          SELF-REPORTING VIOLATION, IF YOU HAVE AN

ONGOING

14          AND EFFECTIVE PROGRAM TO SELF-AUDIT YOUR

15          OPERATIONS TO DISCOVER INTERNALLY VIOLATIONS,

YOU

16          REPORT THOSE QUICKLY, YOU HAVE PROGRAMS FOR

17          POLLUTION PREVENTION AND WASTE REDUCTION

PROGRAMS,

18          ALL OF THESE BUILT INTO THESE, ALL THESE CAN

LEAD

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19 UP TO ALMOST A HUNDRED PERCENT, NOT QUITE A  
20 HUNDRED PERCENT PENALTY MITIGATION.  
21 WE WOULD REALLY ENCOURAGE THE  
BOARD  
22 AND THE LEA SYSTEM TO EMBRACE THIS KIND OF  
PROCESS  
23 THAT GIVES PEOPLE CREDIT AND BENEFIT FOR  
DETECTING  
24 THEIR OWN VIOLATIONS, REPORTING THEM TO THE  
LEA'S,  
25 REPORTING TO THE BOARD, BUT THEN NOT GETTING

1 SLAMMED ON THE OTHER SIDE WITH HUGE VIOLATIONS.  
2 AND YOU TRY TO GET A WHOLE NEW FRAMEWORK OF HOW  
3 SURVEILLANCE AND ENFORCEMENT CAN BE CONDUCTED.  
4 AND THIS IS CLEARLY THE DIRECTION, I THINK, THAT  
5 CAL/EPA WANTS ALL THE BOARDS AND MEMBER AGENCIES  
6 TO PROCEED. IT CERTAINLY HAS GONE AHEAD AND  
7 ADOPTED ITS OWN POLICY IN THIS REGARD.

8 AND SO I WOULD ENCOURAGE YOU TO TAKE  
9 A VERY CLOSE LOOK AT THAT POLICY AND SEE HOW  
10 ELEMENTS OF THAT CAN BE INCORPORATED INTO ANY  
11 GUIDANCE YOU GIVE OUT TO THE LEA'S OR TO YOUR OWN  
12 STAFF IN HOW TO CONDUCT SURVEILLANCE AND  
13 ENFORCEMENT OPERATIONS, AND I THINK THIS WOULD BE  
14 THE PLACE TO START. THANK YOU.

15 CHAIRMAN FRAZEE: IS THERE ANYONE ELSE  
16 WHO WISHED TO SPEAK ON THIS ITEM? IF NOT, THEN  
17 YOUR RECOMMENDATION IS THAT WE NOT TAKE STAFF  
18 RECOMMENDATION.

19 MEMBER RELIS: NOT ADOPT IT TODAY. MY  
20 RECOMMENDATION WOULD BE I WOULD LIKE -- I WILL  
21 SUBMIT MY REMARKS. IF WE COULD GET SOME

RESPONSE

22 TO THEM AND PUT THIS -- CALENDAR IT FOR NEXT

MONTH

23 AND CIRCULATE. I KNOW IT'S BEEN CIRCULATED

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24 PUBLICLY, BUT CONTINUE TO SOLICIT PUBLIC

COMMENT.

25 MR. CHANDLER: WE'LL DO THAT. THAT'S

1 FINE.

2 CHAIRMAN FRAZEE: YOU THINK THERE'S ANY  
3 ACTION? THERE'S CONSENSUS ON THAT. NO NEED TO  
4 TAKE A VOTE ON THIS ITEM.

5 MR. WILLMAN: SO BRING IT BACK NEXT  
6 MONTH? IS THAT THE EXPECTATION?

7 CHAIRMAN FRAZEE: THANKS VERY MUCH. NOW,  
8 OUR FINAL ITEM, ITEM 15, IS THE CONSIDERATION OF  
9 STAFF RECOMMENDATIONS FOR REVISION OF THE PROPOSED  
10 REGULATIONS FOR NONHAZARDOUS ASH OPERATIONS AND  
11 FACILITIES AND APPROVAL TO NOTICE A 15-DAY COMMENT  
12 PERIOD FOR THOSE REVISIONS.

13 WE HAVE SEVERAL INDIVIDUALS WHO WISH  
14 TO COMMENT ON THIS ITEM. I THINK IT MIGHT BE  
15 HELPFUL IN WHERE WE'RE GOING WITH THIS TIMEWISE TO  
16 PERHAPS CLEAR UP A FEW THINGS HERE FIRST OF ALL  
17 BEFORE THEY SPEAK, AND THEN THEY'LL HAVE AN  
18 OPPORTUNITY TO RESPOND IN THAT CONTEXT.

19 I THINK IT'S BEEN STATED EARLIER  
20 THAT WE HAVE HAD A REQUEST -- WELL, I THINK IT  
21 MIGHT BE APPROPRIATE TO GO TO MR. CHANDLER FIRST  
22 AND GET A REPORT ON THE MEETING WITH CDFA THAT WAS  
23 HELD AT THE STAFF LEVEL ON THEIR PARTICIPATION ON  
24 THIS ISSUE.

25 MR. CHANDLER: CERTAINLY. THANK YOU, MR.

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1 FRAZEE AND MEMBERS. AGAIN, YES, YOU ARE CORRECT.  
2 FOR SOME CONTEXT, IF YOU RECALL, LAST MONTH WE DID  
3 HAVE BEFORE YOU A RECOMMENDATION FOR -- FROM STAFF  
4 TO MOVE THE REGULATORY PACKAGE OUT FOR ANOTHER  
5 COMMENT PERIOD. AND IT WAS ON THE EVE OF THAT, I  
6 BELIEVE, COMMITTEE MEETING THAT WE RECEIVED A  
7 LETTER FROM CDFA, AS WELL AS REPRESENTATIVES FROM  
8 CDFA THAT PARTICIPATED IN THAT COMMITTEE MEETING,  
9 INDICATING THAT THEY FELT THEY HAD SOME AREAS OF  
10 INTEREST AND WANTING TO HAVE US WORK WITH THEM AS  
11 IT DEALT WITH THE LAND APPLICATION OF ASH. YOU  
12 DIRECTED ME TO MEET WITH THE UNDERSECRETARY, MR.  
13 A. J. YATES.

14 STAFF COUNSEL, ELLIOT BLOCK, AND  
15 MYSELF DID HAVE THAT MEETING WITH REPRESENTATIVES  
16 FROM CDFA ON DECEMBER 17TH. WHILE MR. YATES WAS  
17 NOT PRESENT, NITA VALE AND OTHER SENIOR MEMBERS  
18 FROM CDFA WERE PRESENT AS WELL AS A NUMBER OF  
19 MEMBERS FROM THEIR LEGAL DEPARTMENT. AND IT WAS  
20 AN INTERESTING AND FRUITFUL MEETING.

21 THEY CLEARLY INDICATED IN THE  
22 MEETING THAT THEY FELT -- THE PHRASE THAT WAS USED  
23 OVER AND OVER BY THEIR COUNSEL WAS "OCCUPY THE  
24 FIELD," WHICH WAS DEFINED TO BE FEEL THEY HAVE  
25 REGULATORY AND STATUTORY AUTHORITY TO SET THE

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1 STANDARDS, IF YOU WILL, FOR LAND APPLICATION OF  
2 ASH IN THIS AREA AND WERE SOMEWHAT CONCERNED THAT  
3 PERHAPS WE WERE TREADING INTO AN AREA THAT, A, WAS  
4 NOT WITHIN OUR STATUTORY AUTHORITY AND PERHAPS WAS  
5 NOT GROUNDED IN GOOD SCIENCE, THAT SCIENCE THAT  
6 THEY FEEL IS IN THEIR MIND PERHAPS STILL WITH SOME  
7 GAPS.

8 WE DISCUSSED POTENTIAL REGULATORY  
9 OVERLAP, AREAS OF CONCERN THAT BOTH AGENCIES HAD  
10 REGARDING PUBLIC HEALTH AND SAFETY. AND THEY  
11 ASKED ME WHAT I SAW AS THE OUTCOME FOR A POTENTIAL  
12 DELAY, IF YOU WILL, IN SEEING THESE REGULATIONS GO  
13 FORWARD. I INDICATED THAT I COULD NOT AT MY LEVEL  
14 START OR STOP THE REGULATORY PROCESS; BUT IF THEY  
15 WISHED TO EXPRESS SOME CONCERNS ALONG THOSE LINES,  
16 THEY NEEDED TO COMMUNICATE THOSE IN WRITING TO THE  
17 CHAIR OF THE COMMITTEE AND C.C. THE OTHER MEMBERS  
18 OF THE COMMITTEE, WHICH YOU'RE IN RECEIPT OF A  
19 DECEMBER 20TH LETTER, AS YOU KNOW, FROM MR. YATES  
20 ASKING FOR SOME MORE CONSIDERATION ON THIS TIME  
21 AND REALLY SOME TIME FOR THE TWO RESPECTIVE STAFFS  
22 TO GET TOGETHER.

23 MS. CURRIE'S COMMENTS EARLIER IN THE  
24 AFTERNOON, I THINK, ARE GERMANE IN THAT I GOT INTO  
25 THE ISSUE OF, YOU KNOW, THIS ISN'T THE AREA OF

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1 LAND APPLICATION THAT YOU ARE GOING TO BE SEEING  
2 THE BOARD DELVE INTO. WE HAVE AREAS SUCH AS  
3 GREASE TRAP PUMPINGS, CERTAINLY ASH BIOSOLIDS, AND  
4 THE LIKE ARE ALL AREAS THAT THE BOARD HAVE ON THE  
5 DOCKET TO TAKE UP AND TO PROVIDE THAT REGULATORY  
6 DEFINITION AS TO WHAT CONSTITUTES DISPOSAL, WHAT  
7 CONSTITUTES BENEFICIAL USE, AND WHERE THEY SHOULD  
8 BE SLOTTED IN OUR REGULATORY STRUCTURE. SO I  
9 ADVISED THEM THAT THE ISSUE WAS, FRANKLY, MUCH  
10 LARGER THAN JUST THE ASH ISSUE.

11 I ALSO INDICATED THAT WE SEE THIS AS  
12 ONE OF OUR PRIMARY CHARGES, AND WE WANT TO MOVE  
13 FORWARD EXPEDITIOUSLY ALONG THE SCHEDULE THAT WE  
14 HAVE BEEN FOLLOWING AND THAT I, FOR ONE, WOULD NOT  
15 WANT TO SEE THE 90 DAYS TO BE JUST A REVIEW PERIOD  
16 BY CDFA THAT THEN LEADS INTO A PROTRACTED SCHEDULE  
17 FOR DEALING WITH ALL THESE LAND APPLICATIONS, BUT  
18 PUT FORWARD THE CONCEPT.

19 I CAN ONLY SAY I'VE HAD SOME  
20 PRELIMINARY DISCUSSIONS, WITH CHARLES WHITE BEING  
21 ONE, ON WHETHER DURING THIS NEXT 90 DAYS WHETHER  
22 WE COULD LOOK AT SOMEHOW BIFURCATING THESE  
23 REGULATIONS SUCH THAT WE COULD MOVE FORWARD WITH  
24 THOSE ELEMENTS OF THE REGULATORY PACKAGE THAT DEAL  
25 WITH THE LAND DISPOSAL ASPECTS WHILE CDFA APPEARS

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1 TO WANT TO THEN WEIGH IN ON THE LAND APPLICATION.

2 THE DIFFICULTY WITH THAT IS WHERE DO  
3 YOU DRAW THE LINE AS TO WHAT BEGINS DISPOSAL AND  
4 WHAT BEGINS TO CONSTITUTE BENEFICIAL USE OR LAND  
5 APPLICATION. BUT IT MIGHT BE THAT THAT'S AN AREA  
6 THAT WE WANT TO EXPLORE IN THE COMING WEEKS AS WE  
7 GET BETTER CLARITY FROM CDFA JUST EXACTLY WHAT  
8 THEIR POLICY DIRECTION IS GOING TO BE AND WHAT  
9 SCHEDULE THEY'RE OPERATING UNDER. BUT THEY  
10 CLEARLY INDICATED TO ME THAT THEY FELT THIS WAS AN  
11 AREA OF RESPONSIBILITY THAT THEY THEMSELVES HAVE  
12 UNDER THEIR STATUTORY AUTHORITY, THAT THEY OCCUPY  
13 THE FIELD, AND THAT THEY INTEND TO MOVE FORWARD ON  
14 DEVELOPING SOME POLICY GUIDANCE, MOST LIKELY  
15 REGULATIONS, AROUND THIS WHOLE AREA OF LAND  
16 APPLICATION.

17 MY RESPONSE TO THAT WAS, GREAT.  
18 WISH WE HAD SEEN THIS WORK A LITTLE EARLIER, BUT  
19 WE CERTAINLY DON'T WANT TO GET INTO THE AREA THAT  
20 CDFA FEELS IS THEIR PURVIEW. SO I WISH I COULD  
21 GIVE YOU A MORE DEFINITIVE SCHEDULE AND A MORE  
22 DEFINITIVE RESPONSE. AGAIN, IT WAS A GOOD MEETING  
23 WHERE WE OUTLINED OUR INTERESTS FROM THE BOARD'S  
24 PERSPECTIVE, AND THEY INDICATED WHAT THEIR  
25 CONCERNS AND INTERESTS WERE. AND I THINK WE

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1 PROBABLY NEED TO NOW JUST HEAR FROM THE OTHER  
2 COMMITTEE MEMBERS ON HOW YOU WISH TO DEAL WITH  
THE  
3 LETTER FROM MR. YATES OF DECEMBER 20TH AND THEN  
4 TALK FURTHER ABOUT WHAT IMPLICATIONS THAT HAS FOR  
5 OUR OVERALL SCHEDULE.

6 BUT THAT'S ABOUT THE SUMMARY OF THE  
7 MEETING AS I CAN BEST SUMMARIZE IT HERE.

8 CHAIRMAN FRAZEE: OKAY. THANK YOU. LET  
9 ME INDICATE AND PERHAPS REITERATE FROM THE VERY  
10 BEGINNING OF THIS ISSUE, IT HAS BEEN MY  
CONTENTION

11 THAT, BOTH FROM THE AUTHORITY SIDE OF THINGS AND  
12 THE PRACTICALITY OF IT, THAT OUR ROLE IN  
13 REGULATING NONHAZARDOUS ASH SHOULD -- AND AT THE  
14 DISPOSAL -- THE PRODUCTION AND DISPOSAL SIDE, AND  
15 I'VE BEEN RATHER VOCAL ABOUT NOT GETTING US INTO  
16 AGRICULTURAL PRACTICES.

17 I GUESS WE'RE FINALLY TO THAT  
POINT.

18 AND I'VE SUGGESTED ALL ALONG THAT IF THERE IS A  
19 NEED TO REGULATE AGRICULTURAL PRACTICES AS IT  
20 REGARDS THIS MATERIAL, THEN CDFA IS THE  
21 APPROPRIATE AGENCY TO TAKE THAT CHALLENGE AND  
THAT

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22 CHARGE AND DEVELOP REGULATIONS.

23 FOR ONE, I WOULD BE COMFORTABLE

WITH

24 GOING AHEAD WITH AT THE POINT THAT WE ARE RIGHT

25 NOW EVEN THOUGH I STILL FEEL THAT IT GOES A

LITTLE

1 OVERBOARD OR OVER MY DIVIDING LINE ON REGULATION  
2 OF BENEFICIAL USE. IT STILL GETS INTO SOME OF  
3 THAT AREA. AND I APPRECIATE IT'S VERY DIFFICULT  
4 TO DRAW THAT LINE WHERE BENEFICIAL USE STARTS AND  
5 DISPOSAL STOPS ON THE OTHER SIDE OF IT.

6 IN THE SPIRIT OF COOPERATION,  
7 HOWEVER, I'M READY TO GO ALONG WITH THE REQUEST  
8 FROM BOTH AGENCY AND FROM CDFA, THAT WE NOT  
9 FINALIZE THESE REGULATIONS UNTIL SUCH TIME AS  
10 THEY'VE HAD AN ADEQUATE OPPORTUNITY TO REVIEW AND  
11 LOOK AT THESE. I DON'T KNOW WHAT WILL BE  
12 ACCOMPLISHED IN 90 DAYS. I THINK YOU INDICATED  
13 THAT.

14 I THINK CDFA HAS A BIG CHALLENGE  
15 AHEAD OF THEM IN THIS AREA, NOT THE LEAST OF WHICH  
16 IS THE REGULATORY AUTHORITY IN THIS. THEY MAY  
17 VERY WELL FIND THAT WHEN THEY GET INTO THIS, THAT  
18 THEY LACK THE AUTHORITY WITHOUT ADDITIONAL  
19 LEGISLATION TO REGULATE THIS. AND IT ALSO OPENS  
20 UP THE PANDORA'S BOX OF EVERYTHING ELSE THAT'S  
21 APPLIED TO LAND IN BENEFICIAL USE. AND THAT IS  
22 GOING TO BE A BIG CHALLENGE TO THEM. AND ALONG  
23 WITH THAT, THROWING IN THE BIOSOLIDS ASPECT OF IT  
24 WHICH HAS TO GO HAND IN HAND. I THINK ONCE YOU  
25 OPEN THAT DOOR, THEN ALL OF THOSE MUST TRAVEL

DOWN

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1           AT LEAST FROM IF IT'S GOING TO REQUIRE STATUTORY  
2           CHANGE.

3                       SO I CAN SEE -- WE LOOKED AT OUR  
4           AGENDA EARLIER ON OUR SCHEDULE OF THINGS, AND I  
5           CAN SEE TWO YEARS BEFORE THERE ARE FINAL  
6           REGULATIONS IN THIS AREA. BUT I WOULD LIKE TO SEE  
7           US WRAP UP OUR SIDE OF IT, AND I'M WILLING TO GO  
8           THAT 90 DAYS. BUT WHEN I TALKED TO THE  
9           UNDERSECRETARY LAST NIGHT, I MADE MY POSITION VERY  
10          STRONG, THAT IF THERE IS NOT FORTHCOMING ACTION ON  
11          THIS, IF WE DON'T SEE SOME PROGRESS, THAT I'M  
12          READY TO PUSH FOR ADOPTING OUR SIDE OF IT AND  
13          LEAVE THAT OPEN.

14                      AS I POINTED OUT TO HIM, IT'S NOT AS  
15          IF LEAVING THAT OPEN, WE'RE GOING TO OPEN THE --  
16          EXCUSE THE PHRASE -- FLOOD GATES OF UNREGULATED  
17          ACTIVITY. IT'S ALREADY UNREGULATED ACTIVITY.  
18          IT'S GOING ON IN MASSIVE AMOUNTS THROUGHOUT THE  
19          AREAS WHERE THE MATERIAL IS BEING PRODUCED AND  
20          BEING APPLIED. SO IT'S NOT AS IF SOMEONE IS GOING  
21          TO HAVE AN OPPORTUNITY TO DO GREAT HARM TO THE  
22          ENVIRONMENT BY GREATLY EXPANDING THE USE OF THIS  
23          MATERIAL WHILE THAT REGULATORY LAPSE IS GOING ON.

24                      SO AGAIN TO RESTATE, I HAVE AGREED  
25          TO GO ALONG WITH THE 90-DAY DELAY IN ACTION. I

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1 GUESS LEGALLY WE CAN JUST STAY ANY ACTION ON THIS  
2 FOR A PERIOD OF 90 DAYS, AND THEN STILL OPEN UP A  
3 COMMENT PERIOD EVEN THOUGH AT THE END OF THAT  
4 TIME, WE MAY DECIDE NOT TO MAKE ANY FURTHER  
5 AMENDMENTS TO THESE REGULATIONS; IS THAT CORRECT?

6 MR. CHANDLER: JUST AS WE HAVE POSTPONED  
7 PUTTING THIS CURRENT PACKAGE OUT FOR THE 15-DAY  
8 COMMENT PERIOD FROM MID-DECEMBER TO NOW, WE CAN  
9 CONTINUE THAT POSTPONEMENT WHILE WE CONTINUE OUR  
10 DISCUSSIONS WITH CDFA, IF THAT'S THE DIRECTION OF  
11 THE COMMITTEE. AND YOU'RE RIGHT. IT COULD BE THE  
12 SAME PACKAGE, OR IT MAY BE AN ATTEMPT TO TRY TO  
13 SEPARATE OUT THE LAND APPLICATION ASPECTS OF THESE  
14 DRAFT REGS AND REMAIN WITH THE PACKAGE THAT DEALS  
15 ONLY WITH THE -- IF WE CAN FIND THAT LINE -- THE  
16 DISPOSAL SIDE OF THE DISPOSAL OF ASH.

17 MEMBER RELIS: MR. CHAIR, I AGREE WITH  
18 YOUR COMMENTS. AND I DO BELIEVE, AS MR. CHANDLER  
19 SUGGESTED, THAT WE OUGHT TO CONTINUE, TRY TO WRAP  
20 UP THE DISPOSAL SIDE. AND THEN I WOULD SUGGEST  
21 THAT WE DIRECT A LETTER, PREPARE A LETTER THAT  
22 CAPTURES YOUR FOCUS, AND THAT IT SPEAK TO THE  
23 ISSUE OF WHERE DO WE EXPECT TO BE 90 DAYS FROM  
24 NOW, AND PERHAPS HAVE SOME REGULAR REPORTING

BACK

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25 DURING THIS PERIOD BECAUSE WE ARE UNDER THE GUN  
TO

1           KIND OF COMPLETE OUR PROCESS. WE WANT TO MAKE  
2           SURE THIS IS A PRODUCTIVE 90-DAY PERIOD FOR BOTH  
3           OF US, AND IT'S LEADING SOMEWHERE, AND NOT AN  
4           EDDY -- NOT INTO AN EDDY.

5                   MEMBER PENNINGTON: WELL, I CERTAINLY  
6           CONCUR. I MEAN I THINK THAT IF THEY WANT US TO  
7           POSTPONE IT FOR 90 DAYS, THAT'S FINE, BUT I  
DON'T  
8           WANT THEM TO TRY TO POSTPONE OUR MANDATES AND  
OUR  
9           RESPONSIBILITIES INFINITUM WHILE THEY FOOL  
AROUND  
10          WITH THIS STUFF. SO I TOTALLY CONCUR, AND I  
THINK  
11          THE IDEA OF A LETTER IS AN EXCELLENT IDEA.

12                   CHAIRMAN FRAZEE: I WANTED TO GIVE  
THAT  
13          CONTEXT BEFORE WE HEARD FROM MEMBERS OF THE  
PUBLIC  
14          SO IT WOULD GIVE YOU AN OPPORTUNITY TO BOUNCE  
OFF  
15          OF WHERE IT APPEARS THAT WE'RE GOING WITH THIS.  
16          SO WITH THAT --

17                   LET'S TAKE A FIVE-MINUTE STRETCH  
18          BREAK HERE.

19                   (RECESS TAKEN.)

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20                               CHAIRMAN FRAZEE:   MEETING WILL COME TO  
21               ORDER AGAIN.   AND NOW WE'RE READY TO GO AHEAD  
WITH  
22               THE PUBLIC TESTIMONY ON ITEM 15, THE ASH  
23               REGULATIONS.   AND WE'RE GOING TO -- LET'S TRY  
TO  
24               GET THESE IN ORDER IN WHICH WE RECEIVED THEM  
HERE.  
25               LET'S START WITH WILLIAM O'RULLIAN FROM KERN

1 COUNTY.

2 MR. O'RULLIAN: THANK YOU. MY NAME IS  
3 WILLIAM O'RULLIAN. I'M WITH KERN COUNTY  
4 ENVIRONMENTAL HEALTH SOLID WASTE PROGRAM,  
5 SUPERVISOR OF THE SOLID WASTE PROGRAM. AND I  
6 APPRECIATE THIS OPPORTUNITY TO ADDRESS YOUR  
7 COMMITTEE, AND I ALSO APPRECIATE THE ATTENDANCE OF  
8 YOUR NEW MEMBER, MR. JONES.

9 WE -- OUR LEA HAS BEEN AT THE  
10 PREVIOUS THREE P&E MEETINGS WHERE THIS ITEM HAS  
11 BEEN HEARD, AND WE CONCUR WITH THE DIRECTION

THAT

12 IT IS GOING IN AS IT WAS JUST SPOKEN. I DO HAVE  
13 SOME CONCERN WITH BELIEVING THAT CDFA IS GOING  
14 TO

15 BE THE SOLUTION TO ALL THE PROBLEMS THAT WE HAVE  
16 WITH THIS. I DON'T HOLD OUT PERSONALLY THAT  
17 THEY

18 ARE GOING TO BE ABLE TO ADDRESS ALL OF THE  
19 CONCERNS THAT WE HAVE RAISED IN THE PAST AS AN  
20 LEA.

21 WE ARE SENSITIVE TO AGRICULTURE,  
AS

22 IS MR. CHAIRMAN. IT SHOULD BE NOTED THAT OUR  
LEA

INSPECTS POULTRY RANCHES, FEEDLOTS, HOG FARMS,

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22               OSTRICH FARMS, PACKING SHEDS. WE'RE WELL  
23               ACQUAINTED WITH THE AGRICULTURAL INDUSTRY IN  
KERN  
24               COUNTY, AND WE HAVE -- OUR COUNTY RANKS VERY  
HIGH  
25               IN THE WORLD IN AGRICULTURAL OUTPUT.

1                   PART OF THIS INVOLVEMENT AS AN LEA  
2                   GOES BACK TO THE OLD DAYS OF WHEN THE STATE  
3                   OPERATED UNDER THE BUREAU OF VECTOR CONTROL AND  
4                   SOLID WASTE MANAGEMENT. BACK IN THE '60S THIS  
5                   BOARD WAS A DIVISION OF THE DEPARTMENT OF HEALTH  
6                   SERVICES, AND AT THAT TIME INSPECTORS WENT OUT  
7                   ROUTINELY MAINLY LOOKING FOR VECTORS. THEY WOULD  
8                   GO TO LANDFILLS AND TRY AND COUNT THE NUMBER OF  
9                   RATS, NOT LOOK AT, SAY, GROUNDWATER CONCERNS OR  
10                  SOME OF THE THINGS THAT WE LOOK AT TODAY.

11                  WELL, I THINK THAT OUR CONCERNS ARE  
12                  WELL KNOWN. I WANT TO JUST BRIEFLY GO OVER THEM.  
13                  ONE OF THEM IS THE ISSUE OF THE AG PROFESSIONAL.  
14                  WE FEEL THAT THIS REMAINS AMBIGUOUS; AND IN VIEW  
15                  OF THE COMMENTS MADE EARLIER TODAY WITH THE  
16                  DISCUSSION ON AB 1220, WE THINK THAT THIS KIND OF  
17                  SHOWS A DICHOTOMY IN THE THINKING OF THE BOARD  
18                  WHERE IN ONE WAY WE WOULD ACCEPT PROFESSIONAL  
19                  ENGINEERS OR CERTIFIED PROFESSIONALS IN THE  
20                  CONTEXT OF AB 1220 ISSUES, BUT NOT ACCEPT THEM  
21                  HERE IN THE CONTEXT OF LAND SPREADING. SO WE  
22                  BELIEVE THAT STILL THERE NEEDS TO BE PROFESSIONAL  
23                  QUALIFICATIONS, CERTIFIED QUALIFICATIONS IN THIS  
24                  AREA.

25                  THE SECOND THING THAT I THINK IS,

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1 JUST TO GO VERY QUICKLY, IS STOCKPILING. WE STILL  
2 BELIEVE THAT THE REGULATIONS AS THEY EXIST DO NOT  
3 ADDRESS STOCKPILING WITH REGARD TO UNCOVERED  
4 PILES. AND WE FEEL THAT UNCOVERED PILES OF FLY  
5 ASH PRESENT PROBLEMS OF DRIFT AND WIND EXPOSURE TO  
6 WORKERS, TO PEOPLE THAT MAY LIVE OFF-SITE. BEAR  
7 IN MIND THAT MANY OF THE ORCHARDS IN OUR COUNTY  
8 ARE IN RESIDENTIAL NEIGHBORHOODS NOW AS THE URBAN  
9 SPRAWL GOES OUT. SO WE FEEL THAT THERE IS A  
10 LEGITIMATE CONCERN FOR THIS.

11 IN VIEW OF THE FLOODING THAT HAS  
12 OCCURRED, I THINK THAT FLOODING WOULD BE A GOOD  
13 OBJECT LESSON WITH THE ISSUE OF STOCKPILING. IF  
14 YOU HAD A BIG PILE OF FLY ASH OUT ON THE CORNER OF  
15 A SECTION AND THAT SECTION FLOODED, WHAT THEN  
16 WOULD OCCUR WHEN THAT MATERIAL, THAT PLUME OF  
17 MATERIAL ENDED UP ON THE NEIGHBOR'S FIELD OR  
18 SOMEWHERE ON OTHER PROPERTY? SO WE FEEL THAT  
19 THERE SHOULD BE GREATER CLARIFICATION IN THE  
20 REGULATIONS REGARDING STOCKPILING.

21 WE RECOGNIZE THAT STOCKPILING ON  
22 FARMS IS A FAR LESS RESTRICTIVE REQUIREMENT THAN,  
23 SAY, STOCKPILING AT THE POINT OF GENERATION. I  
24 THINK THE GENERATORS RECOGNIZE THIS TOO, THAT  
25 THERE ARE LESS STRINGENT REGULATIONS IF YOU WERE

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1           GOING TO PUT A PILE AT THE FARM THAN, SAY, NEXT TO  
2           THE COGEN FACILITY.

3                       AND SO WE ARE CONCERNED THAT, NOT IN  
4           THE INTEREST OF GOOD FARMING PRACTICES, BUT IN THE  
5           INTEREST OF MOVING MATERIAL OFF SITE, THAT THERE  
6           COULD BE ABUSE IN THIS AREA.  AND THIS HAS ALREADY  
7           OCCURRED WITH, JUST AS AN EXAMPLE, THE CITY OF  
8           OXNARD.  RATHER THAN GO THROUGH CEQA AND EXPAND  
9           THEIR SEWAGE TREATMENT FACILITY AND REVISE THEIR  
10          WDR'S, INSTEAD BOUGHT A FARM IN KERN COUNTY TO  
11          STOCKPILE BIOSOLIDS OR TO LAND SPREAD BIOSOLIDS.  
12          SO AS CONSTRAINTS ARE PUT IN OTHER AREAS, IT MAY  
13          END UP OUT ON THE FARM.

14                      THE OTHER THING IS WE FEEL THAT THE  
15          REGULATIONS, ALTHOUGH THEY DO IN MANY CASES  
16          EXPRESS CONCERN OVER HEAVY METALS, WE STILL DO NOT  
17          FEEL THAT THEY HAVE RESOLVED ALL THE OTHER ISSUES  
18          WITH OTHER CONSTITUENTS OF CONCERN.  AND THIS IS  
19          RAISED WHEN YOU REVIEW THE REGULATIONS OF OTHER  
20          STATE ENVIRONMENTAL PROTECTION AGENCIES WHERE THEY  
21          HAVE OTHER CONSTITUENTS SUCH AS DIOXINS, PHENOLS,  
22          CHLORIDES.  AND WE KNOW FROM THESE STATES,  
23          ESPECIALLY THE STATES THAT HAVE BEEN HIGH IMPACT  
24          FLY ASH STATES FOR DECADES OR EVEN FOR OVER A  
25          HUNDRED YEARS, HAVE GOOD REASON TO PUT THESE IN

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1 THE REGULATIONS. AND WE QUESTION WHY THEY MAY NOT  
2 BE CONSIDERED AT THIS TIME. WE'RE NOT  
3 RECOMMENDING THAT YOU PUT THEM IN, BUT WE WOULD  
4 LIKE AN EXPLANATION OF WHY -- WHETHER OR NOT WE  
5 SHOULD BE CONCERNED ABOUT DIOXIN LEVELS OR  
6 PHENOLS, THOSE TYPES OF THINGS.

7 WE ALSO NOTE THAT IN REVIEWING THE  
8 REGULATIONS OF OTHER STATES, THEY DO ADDRESS  
9 RECLAMATION PROJECTS IN MUCH MORE DETAIL. WHEN  
10 THEY EXCLUDE RECLAMATION FROM PERMIT, THEY  
11 INDICATE THAT THEY MUST MEET THE CRITERIA OF THE  
12 BUREAU OF MINES AND RECLAMATIONS, AND THEN THEY GO  
13 INTO SOME DETAIL ON THAT. SO WE RECOMMEND GREATER  
14 DETAIL IF WE ARE GOING TO MAKE THAT SAME EXCLUSION  
15 IN OUR REGULATIONS SO NO ONE WILL BE MISLED TO  
16 BELIEVE THAT IF YOU HAVE AN OPEN PIT, IT SUDDENLY  
17 NOW IS A RECLAMATION SITE THAT CAN ACCEPT THOSE  
18 TYPES OF MATERIALS.

19 THE REGULATIONS AS THEY STAND, AND  
20 THIS IS WHERE CDFA, I THINK, IS GOING TO HAVE A  
21 SHORTFALL IN OUR EXPECTATIONS, THEY DO NOT ADDRESS  
22 TRANSPORTATION OF FLY ASH. AND I KNOW IT'S BEEN  
23 NOTED EARLIER THAT THE FLY ASH IN BIOSOLIDS ARE  
24 APPLES AND ORANGES, BUT LET ME GIVE YOU ONE QUICK  
25 EXAMPLE THAT HAPPENED YESTERDAY IN KERN COUNTY.

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1 THE CHP CALLED OUR OFFICE AND NOTED  
2 THAT A FIELD WHERE BIOSOLIDS WAS BEING LAND  
3 SPREADED, THAT THE TRUCKS ENTERING THAT SITE WERE  
4 TRACKING MUD ONTO THE ROADS AND IT HAD CREATED AN  
5 UNSAFE CONDITION. AND WE ALSO RECEIVED THE SAME  
6 COMPLAINT FROM THE PARKS AND RECREATION  
7 DEPARTMENT, A RANGER THAT HAD GONE DOWN THAT SAME  
8 ROAD. THE COUNTY ROADS DEPARTMENT THEN HAD TO GO  
9 OUT AND BLADE THAT AREA. IT WASN'T BIOSOLIDS THAT  
10 WAS BEING TRACKED ON THE ROAD; BUT BECAUSE THE  
11 TRUCK TRAFFIC, YOU KNOW, 20 TRUCKS A DAY DRIVING  
12 OUT ONTO A ROAD TO DO LAND SPREADING, IT CREATED A  
13 SITUATION. THIS MAY BE A SITUATION THAT OUR LEA  
14 OR YOUR BOARD DOES NOT WISH TO ADDRESS, BUT THERE  
15 ARE SITUATIONS THAT ARE DERIVED FROM LAND  
16 APPLICATION THAT CLEARLY FALL OUT OF THE  
17 JURISDICTION -- OUTSIDE THE JURISDICTION OF, SAY,  
18 AN AGRICULTURAL COMMISSIONER'S OFFICE.

19 THE OTHER THING THAT IS NOT  
20 ADDRESSED ARE THE APPLICATION METHODS. I  
21 MENTIONED EARLIER THAT NOW WE SEE PISTACHIO  
22 ORCHARDS INTERMINGLED WITH RESIDENTIAL  
23 NEIGHBORHOODS. WE FEEL THAT THE REGULATIONS  
24 SHOULD MAKE SOME RECOMMENDATION AS TO METHODS OF  
25 OPERATION. AND THIS WOULD PREVENT COMPLAINTS,

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1           CONSTITUENT COMPLAINTS, RELATED TO DRIFT SHOULD AN  
2           OPERATOR GO IN AND, YOU KNOW, AERIAL SPRAY THEIR  
3           ORCHARD WITH FLY ASH OR SHOULD IT BE APPLIED IN  
4           SOME OTHER MANNER THAT WOULD CREATE DRIFT.  AND  
5           THE HAZARDS TO FLY ASH OR CERTAIN TYPES OF ASH,  
6           NONHAZARDOUS ASH, WE HAVE INDICATED IN THE PAST  
7           THEY ARE -- IT'S EXTREMELY CAUSTIC, FINALLY  
8           DIVIDED MATERIAL THAT IS SUBJECT TO AIRBORNE  
9           DISPERSION.

10                       THE OTHER THING IN THE REGULATIONS  
11           ARE THE SECTION THAT DEALS WITH OPERATING  
12           STANDARDS.  WE QUESTION WHETHER THESE APPLY TO ALL  
13           SITES.  AS WE READ THE REGULATIONS, IT WOULD  
14           APPEAR THAT THE OPERATIONS STANDARDS LISTED IN THE  
15           REGS WOULD APPLY TO ALL SITES, BUT THE REGULATIONS  
16           DO NOT PROSCRIBE PENALTIES OR FINES IF THESE  
17           STANDARDS ARE NOT MET.  AND IT CREATES A PROBLEM  
18           ESPECIALLY WITH NONPERMITTED SITES.  IF THESE ARE  
19           EXCLUDED SITES, BUT THEY'RE STILL SUBJECT TO  
20           OPERATING STANDARDS, HOW WILL LEA'S ENFORCE  
21           NONPERMITTED SITES?

22                       NORMALLY WITH PERMITS, EVEN WITH A  
23           NOTIFICATION PERMIT, AT LEAST WE WOULD HAVE THE  
24           PERMIT REVOCATION PROCESS AS LEVERAGE TO GET  
25           SOMEBODY TO COMPLY.

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1                   THE OTHER THING THAT WE THINK NOW IN  
2                   RETROSPECT -- AND I HATE TO BRING THIS UP -- BUT  
3                   SOMETIMES I WONDER IF 18215 IN TITLE 14 DOESN'T  
4                   BETTER SERVE OUR NEEDS THAN TRYING TO DEVELOP A  
5                   TIER FOR FLY ASH. 18215, THE EXEMPTION CRITERIA  
6                   THAT CONTAINS SUCH THINGS AS BIOSOLIDS AND ASH,  
7                   GIVES FLEXIBILITY TO LOCAL AGENCIES TO MAKE A  
8                   FINDING AND THEN CARRY THAT THROUGH A PUBLIC  
9                   REVIEW PROCESS, PUBLIC NOTIFICATION.

10                  THIS WOULD GIVE PLACES LIKE SHASTA  
11                  COUNTY FLEXIBILITY TO DO WHAT THEY WANT TO DO WITH  
12                  FLY ASH AND GIVE KERN COUNTY THE ABILITY TO GO  
13                  FORWARD IF WE CHOOSE TO GO THE EXEMPTION ROUTE AND  
14                  EXEMPT THOSE SITES. AND WE WOULD BE SATISFIED  
15                  WITH THAT BECAUSE THEN WE WOULD HAVE DISCLOSURE  
16                  AND THE ABILITY TO GO OUT ON A REASONABLE BASIS TO  
17                  LOOK AT THESE SITES AS THEY AFFECT US.

18                  SO IN CONCLUSION, WE DO WANT TO  
19                  EMPHASIZE THAT WE FEEL THAT THE BOARD NEEDS  
20                  TO  
21                  RECOGNIZE THE CONCERNS THAT HAVE BEEN RAISED  
22                  BY  
23                  THE FARM BUREAUS, BY THE WATER BOARDS, AND  
24                  LEA'S,  
25                  CDFA CONCERNS, AND TAKE THESE CONCERNS TO

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23                   SERIOUSLY -- ONE THING THAT I WOULD LIKE TO  
BRING

24                   UP ALSO IS I MENTIONED EARLIER ABOUT THE  
25                   COMPARISON OF OTHER STATES. IF WE ARE  
POISED TO

1 EXCLUDE ALL OF THESE OPERATIONS, LAND  
2 SPREADING-TYPE OPERATIONS, FROM PERMIT, THEN  
3 CALIFORNIA PLACES ITSELF AS A STATE OF LESS  
4 RESTRICTION THAN OTHER STATES THAT MIGHT GENERATE  
5 LARGE VOLUMES OF FLY ASH OR NONHAZARDOUS ASH. AND  
6 WE COULD BE THEN A RECIPIENT OF THIS MATERIAL JUST  
7 THROUGH THE PASSAGE OF THESE REGULATIONS AS THEY  
8 NOW STAND. SO I THINK WE SHOULD CONSIDER THIS,  
9 ESPECIALLY WHEN YOU CONSIDER WHAT HAS HAPPENED  
10 WITH TIRES.

11 WE TALKED ABOUT THAT EARLIER, THE  
12 COSTLY REMOVAL OF TIRE PILES. THESE HAPPENED  
13 WHEN -- AT A TIME WHEN YOU COULD SAY THAT TIRE  
14 OPERATIONS WERE EXCLUDED FROM PERMIT. PEOPLE  
15 STOCKPILED TO THEIR HEART'S CONTENT, AND NOW WE  
16 ARE PAYING A GREAT PRICE FOR THIS. THE TAXPAYERS  
17 ARE PAYING THIS PRICE, AND THE NUISANCE FACTOR  
18 THAT'S GENERATED IN LOCAL JURISDICTIONS ALSO.

AND

19 IT'S MUCH HARDER AFTER THE FACT TO GO CLEAN UP  
20 THESE THINGS. IT'S MUCH MORE EXPENSIVE THAN IF

WE

21 SET MINIMUM STANDARDS AND TRY AND OPERATE WITH  
22 SOMETHING REASONABLE THAT BOTH INDUSTRY AND THE  
23 REGULATORY COMMUNITY CAN AGREE TO.

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24 AND I KNOW THAT IN THIS CLIMATE  
25 TODAY THAT REGULATIONS HAVE A BAD WORD, BUT I  
WANT

1 TO SAY THAT IN A -- GIVE AN EXAMPLE OF REFUSE  
2 FRANCHISES IN KERN COUNTY. THERE WAS A TIME WHEN  
3 THERE WERE NO REGULATIONS FOR REFUSE FRANCHISES  
4 FOR REFUSE TRUCKS AND REMOVAL. WHEN THOSE WERE  
5 PUT IN PLACE OVER 25 YEARS AGO, THE WELL-REGULATED  
6 PICKUP OF TRASH CREATED BETTER SERVICE. THERE  
7 WERE LESS CHARLATANS OR SCAM OPERATIONS THAT  
8 OCCURRED AFTER THAT, AND THE OPERATORS THAT CAME  
9 TO FORE AND MET THE MINIMUM QUALIFICATIONS HAVE  
10 PROVIDED FOR KERN COUNTY ALMOST NEARLY TROUBLE  
11 FREE SERVICE AND A VERY, VERY MINIMUM OF  
12 COMPLAINTS.

13 AND SO I HOPE THAT WE DON'T SKIRT  
14 THE ISSUE OF REGULATION WITH FLY ASH IN THIS SAME  
15 VIEW, THAT WE -- I THINK THE THINGS THAT WE HAVE  
16 RECOMMENDED, SUCH AS ADOPTING A MANUAL OF GOOD  
17 PRACTICE OR AT LEAST HAVING NOTIFICATION OF LEA'S  
18 WHEN THESE SITES ARE BEING PROMOTED, WHICH THE  
19 REGULATIONS DO NOT ALLOW AT THIS POINT, THAT THESE  
20 ARE REASONABLE THINGS AND THEY'RE NOT GOING TO  
21 CREATE AN ONEROUS CLIMATE FOR INDUSTRY TO OPERATE  
22 AS THEY ARE OPERATING TODAY.

23 WHAT IS SUGGESTED THROUGH THE  
24 NOTIFICATION TIER IS NOT SOMETHING THAT WILL  
25 PREVENT FLY ASH FROM BEING USED BY FARMERS

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1           THROUGHOUT THE STATE. JUST AS BIOSOLIDS PRESENTLY  
2           UNDER SIMILAR CIRCUMSTANCES ARE USED TO GREAT  
3           EXTENT IN OUR COUNTY UNDER AN -- UNDER A  
4           NOTIFICATION-TYPE PERMIT THAT WE ISSUE ON THE  
5           LOCAL LEVEL, IT HAS NOT DETERRED. IT HAS ACTUALLY  
6           ENCOURAGED BECAUSE NOW IT SEPARATES THOSE WHO ARE  
7           ABLE TO DO IT FROM THOSE WHO ARE JUST KIND OF PIPE  
8           DREAMING ABOUT IT.

9                           ANYWAY, I APPRECIATE THIS  
10          OPPORTUNITY AND YOUR TIME AND INDULGENCE IN  
11          HEARING THIS OUT. WE RECOMMEND THAT THE BOARD GO  
12          FORTH WITH THE 90-DAY REVIEW PERIOD, AND THAT WILL  
13          ALLOW SOME OF THESE OVERLAPPING ISSUES WITH CDFA  
14          TO BE RESOLVED BEFORE WE END UP ADOPTING  
15          REGULATIONS THAT HAVE TO BE CHANGED IN THE FUTURE  
16          ANYWAY. THANK YOU.

17                       CHAIRMAN FRAZEE: THANK YOU. NOW CHARLES  
18          EGIGIAN-NICHOLS REPRESENTING CITY OF PALO ALTO.

19                       MR. EGIGIAN-NICHOLS: THANK YOU, BOARD  
20          MEMBERS, FOR THE OPPORTUNITY TO ADDRESS YOU TODAY.  
21          I AM REPRESENTING THE CITY OF PALO ALTO AND ITS  
22          WASTEWATER TREATMENT DIVISION. THE CITY DAILY  
23          PROCESSES MANY MILLIONS OF GALLONS OF SEWAGE. AND  
24          AS A RESULT, THROUGH THEIR MULTIPLE HEARTH  
25          INCINERATOR, GENERATES ABOUT THREE TONS PER DAY OF

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1 NONHAZARDOUS ASH.

2 FOR MANY YEARS THE CITY HAS RECYCLED  
3 ITS ASH IN A NUMBER OF WAYS. MOST RECENTLY, OVER  
4 THE PAST SEVERAL YEARS, THAT'S BEEN ACCOMPLISHED  
5 THROUGH LAND APPLICATION TO AGRICULTURAL LANDS AS  
6 A FERTILIZER WITH ITS ASH HAVING A SIGNIFICANT  
7 PHOSPHORUS VALUE. THE CITY'S ASH IS REGULARLY AND  
8 ROUTINELY MONITORED AND CERTIFIED AS NONHAZARDOUS.

9 WITH RESPECT TO THE REGULATIONS,  
10 FIRST, THE CITY OF PALO ALTO SUPPORTS THESE DRAFT  
11 REGULATIONS AS FORMULATED AND ALSO THE  
12 ADMINISTRATIVE PROCESS THAT'S BEING USED BY THE  
13 WASTE BOARD. FURTHER, THE CITY SUPPORTS THE  
14 BENEFICIAL USE OF ASH MATERIALS WHERE APPROPRIATE  
15 IN CONDITIONS WHERE IT PROTECTS PUBLIC HEALTH AND  
16 THE ENVIRONMENT, AS WELL AS BEING ENVIRONMENTALLY  
17 SOUND.

18 LASTLY, THE CITY EXPRESSES ITS  
19 CONCERN ABOUT THE COMMENTS AND PROPOSALS SUPPLIED  
20 BY CDFA REGARDING THE ROLES AND RESPONSIBILITIES  
21 IN THE ASH LAND APPLICATION IN RELATIONSHIP  
22 BETWEEN CDFA AND THE INTEGRATED WASTE MANAGEMENT  
23 BOARD. THE CITY SUPPORTS THE CLEAR SEPARATION OF  
24 THE REGULATORY RESPONSIBILITIES BETWEEN THOSE TWO  
25 AGENCIES.

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1 THE CITY IS VERY CONCERNED THAT IN  
2 THIS PROPOSAL OF 90-DAY, THAT YOU, THE INTEGRATED  
3 BOARD, CLEARLY AND IMMEDIATELY CLARIFY WHAT THE  
4 SCOPE IS OF THE ACHIEVEMENT FOR THIS 90-DAY  
5 PERIOD, AGAIN, EMPHASIZING YOUR THOUGHTS AND  
6 COMMENTS ABOUT NOT ALLOWING IT TO PERHAPS JUST  
7 DITHER ALONG.

8 WE OBSERVE ALSO THAT IF CDFA  
9 BELIEVES IT'S NECESSARY TO PERFORM A REGULATORY  
10 RISK ANALYSIS AND A REGULATION FOR THE PURPOSES OF  
11 AGRICULTURAL LAND APPLICATION OF ASH, THE CITY OF  
12 PALO ALTO FULLY SUPPORTS THAT ACTION ON THE PART  
13 OF CDFA. IN FACT, THE CITY OF PALO ALTO WOULD  
14 VERY MUCH LIKE TO PARTICIPATE AND ASSIST CDFA IN  
15 THAT ACTION.

16 IN CLOSING, THE CITY SUPPORTS THE  
17 DRAFT REGULATION FOR NONHAZARDOUS ASH AS PROPOSED  
18 BY THE BOARD AND RECOMMENDS THAT THE BOARD MOVE  
19 FORWARD EXPEDITIOUSLY AND PERHAPS WITHOUT A 90-DAY  
20 DELAY TO ADOPT THE REGULATIONS. THANK YOU. THAT  
21 CONCLUDES MY TESTIMONY.

22 CHAIRMAN FRAZEE: THANK YOU. NOW DR.  
23 MEYER HAS WAITED PATIENTLY ALL DAY.

24 DR. MEYER: THANK YOU AGAIN FOR THE  
25 OPPORTUNITY TO BE HERE WITH YOU. I GUESS I VIEW

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1       THIS SUBJECT, AS HAS BEEN EXPRESSED PERHAPS MOST  
2       CLEARLY BY RALPH CHANDLER, WHO WAS ABLE TO TELL US  
3       A LITTLE BIT ABOUT THE CDFA DISCUSSIONS. I GUESS  
4       ALL IN ALL I'VE BEEN CONCERNED ABOUT THE ROLE OF  
5       THE TWO AGENCIES AND WHERE YOU DEFINE WHERE FLY  
6       ASH FITS IN ONE CATEGORY AND WHEN IT DOESN'T FIT  
7       IN THE -- OR IT FITS IN THE OTHER CATEGORY. AND I  
8       GUESS ONE OF THE MAJOR ROLES THAT I THINK THE  
9       DELINEATION OF THE METALS AND ELEMENTS LIMITS HAS  
10      AS A ROLE IN THAT IS YOU WOULD BEGIN TO DEFINE  
11      WHAT RATES OF METALS OR ELEMENTS YOU ARE APPLYING  
12      AT NONAGRICULTURAL RATES.

13                   AND I THINK THAT BEGINS TO DEFINE A  
14      DISPOSAL PROGRAM WHERE YOU ARE DISPOSING OF WASTE  
15      VERSUS WHEN YOU ARE GETTING AN AGRICULTURAL  
16      BENEFIT. AND I THINK THE 503 REGULATIONS GO A  
17      LONG WAY TO DO THAT EXCEPT FOR THE FACT THAT IN  
18      THE CASE OF MOLYBDENUM AND SELENIUM WHERE WE HAVE  
19      MANY HIGH SOILS, PARTICULARLY IN THE SAN JOAQUIN  
20      VALLEY, ALREADY POSSESSING LARGE QUANTITIES OF  
21      MOLYBDENUM, THAT WE SOON, ALMOST IF ANY  
22      APPLICATION IS MADE, WE DETERIORATE AND WE GO MORE  
23      INTO THE NONBENEFICIAL IF ANY APPLICATION IS MADE.  
24      SO THE MINIMUMS THAT I HAVE SUGGESTED SHOULD  
25      PREVAIL, I THINK, IN A LOT OF THOSE CASES AND

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1           THROUGHOUT CALIFORNIA BOTH FOR SELENIUM AND  
2           MOLYBDENUM.

3                       AS IT IS, UNDER THE CURRENT 503, WE  
4           ARE PROBABLY OPERATING AT ABOUT A 200 TIMES, AN  
5           EXTREMELY HIGH POTENTIAL RATE OF APPLICATION.  
6           THAT WOULD GENERATE TOXIC CONCENTRATIONS FOR  
7           ANIMAL, BOTH DOMESTIC AS WELL AS WILDLIFE, WHO  
8           FEED ON A LOT OF THE FIELDS THAT AGRICULTURALISTS  
9           HAVE AND WOULD APPLY THIS MATERIAL TO AND THE SAME  
10          WOULD BE TRUE FOR MOLYBDENUM.

11                      AS LOW AS FIVE TON RATE OF THE  
12          PROPOSED 75 PPM CONCENTRATION COULD GENERATE PLANT  
13          MATERIAL THAT WOULD BE TOXIC FOR BOTH ANIMALS,  
14          DOMESTIC AS WELL AS WILDLIFE, AND WOULD PRESENT IF  
15          NOT KILL THOSE ANIMALS. SO I THINK WE'RE TRYING  
16          TO DEFINE, AT LEAST I AM, IN PROPOSING THE LEVELS  
17          FOR THIS SELENIUM AND MOLYBDENUM WHERE YOU HAVE  
18          BENEFICIAL VERSUS WHERE YOU HAVE NONBENEFICIAL.

19                      I THINK THOSE REPRESENT SOME  
20          CONCERNS. AND ALONG THAT LINE, THERE IS A PEER  
21          REVIEW PROCESS THAT WILL RECEIVE COMMENTS UNTIL  
22          THE END OF THIS MONTH. AND THEN THERE WILL BE  
23          NEED TO BE SOME TIME GIVEN TO RESPOND OR DEVELOP

A  
24          RESPONSE TO ALL OF THOSE COMMENTS THAT ARE

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25 GENERATED, AND THAT SEEMS TO COINCIDE PRETTY  
MUCH,

1 I THINK, WITH MAYBE A 90-DAY PERIOD THAT IS BEING  
2 DISCUSSED AS FAR AS CDFA TIMING IS CONCERNED.

3 THE OTHER CONCERN THAT I DO HAVE IS  
4 THE DEFINITION OF THE AGRICULTURAL PROFESSIONAL.  
5 AND I AGREE WITH BILL FROM KERN COUNTY, THAT IN  
6 MANY OTHER SITUATIONS WE HAVE A CERTIFIED  
7 INDIVIDUAL, AND IT SEEMS ONLY NECESSARY TO CARRY  
8 THAT THROUGH IN THIS PARTICULAR AREA.

9 SO I JUST WANTED TO EXPRESS THOSE  
10 PARTICULAR COMMENTS AND OFFER GUIDANCE IN TERMS OF  
11 DEFINING THE MATERIALS AS ASH IN TERMS OF WHEN  
12 THEY CEASE TO BECOME A BENEFICIAL MATERIAL FOR  
13 AGRICULTURAL PURPOSES AND WHEN THEY ARE CLEARLY IN  
14 THE DISPOSAL ARENA. AND THANK YOU VERY MUCH.

15 MEMBER RELIS: MR. CHAIR, WHILE YOU'RE  
16 THERE, DR. MEYER, COUPLE OF THOUGHTS. ONE, WHAT  
17 IS THE LIABILITY -- THIS IS PERHAPS DIRECTED TO  
18 OUR STAFF -- IF LAND APPLICATION OCCURS, AND AS  
19 DR. MEYER SUGGESTS, IF YOU WERE APPLYING  
SELENIUM,

20 RATES OF SELENIUM WERE INCREASED TO A TOXIC  
LEVEL

21 ON A PARCEL OF LAND THAT WAS USED  
AGRICULTURALLY,

22 WHAT IS THE LIABILITY LOOP THERE IN TERMS OF

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FOR

23 THE GENERATOR END USER? IS THERE A LIABILITY

24 THERE WHEN A MATERIAL IS TOXIC?

25 MR. CHANDLER: YOU MEAN THAT'S BEEN

1 REPRESENTED AS BEING NONHAZARDOUS?

2 MEMBER RELIS: YES, BUT BECAUSE OF ITS  
3 APPLICATION ON A SITE THAT'S VULNERABLE, WOULD  
4 THAT BE CONSIDERED A HAZARDOUS WASTE AT THAT  
5 POINT? AND WOULD THE LANDOWNER BE LIABLE FOR --  
6 UNDER CRCLA OR WHERE DOES THAT FIT?

7 MR. CHANDLER: I HESITATE TO VENTURE A  
8 GUESS ON IT.

9 MEMBER RELIS: I'M CURIOUS BECAUSE THE  
10 ASSERTION IS THAT IN THIS CASE -- SAY, UNLIKE A  
11 GREEN MATERIALS OR WHATEVER, IT MIGHT BE A  
12 NUISANCE, IT MIGHT BE A LIABILITY. I DON'T  
13 BELIEVE IT'S TOXIC. AND WHAT THE SUGGESTION HERE  
14 IS IF YOU APPLIED IT IN CERTAIN WAYS IN CERTAIN  
15 CONTEXT, IT COULD BE TOXIC TO ANIMAL AND WILDLIFE.  
16 OKAY. I'LL JUST LEAVE THAT.

17 BUT OUR PEER REVIEW IS ONGOING,  
18 ISN'T IT? SO THAT'S NOT GOING TO BE DETERRED BY  
19 ANY ACTION.

20 MS. RICE: NO. AS DR. MEYER MENTIONED,  
21 THE PUBLIC COMMENT, I BELIEVE, IS SCHEDULED TO END  
22 AT THE END OF THIS MONTH, AND THEN WE'D START  
23 WORKING WITH THAT COMMENT AND DETERMINING HOW TO  
24 GET TO SOME CONSENSUS AROUND THE INPUT THAT WE  
25 RECEIVE.

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1                   MEMBER RELIS:    OKAY.    MAYBE I COULD JUST  
2                   PURSUE THAT SEPARATELY WITH STAFF.

3                   MR. CHANDLER:   MR. FRAZEE, IF I COULD, I  
4                   DO HAVE ONE QUESTION.   DR. MEYER, YOU WERE IN THE  
5                   MEETING WITH ME WHEN WE SAT DOWN ON THE 17TH OF  
6                   LAST MONTH WITH CDFA OFFICIALS.   IS IT YOUR  
7                   POSITION THAT THAT BRIGHT LINE OR THAT LINE  
8                   BETWEEN WHAT CONSTITUTES BENEFICIAL USE THAT MAY  
9                   MOVE TOWARDS LAND APPLICATION AND WHAT CONSTITUTES  
10                  DISPOSAL CAN, IN FACT, BE DEFINED SUCH THAT OUR  
11                  REGS CAN MOVE FORWARD WITH SOME REFERENCE THAT ANY  
12                  DISPOSAL OR ANY APPLICATION TO LAND SIMPLY BE DONE  
13                  IN ACCORDANCE WITH CDFA POLICY, GUIDANCE, OR  
14                  REGULATIONS?   AND I WOULD ASK THAT QUESTION IN THE  
15                  CONTEXT OF KNOWING ALL OF THE OTHER INTERESTS THAT  
16                  YOU'VE BEEN INVOLVED IN MEETINGS WITH WITH RESPECT  
17                  TO HOW THEY SEE THE ISSUE.

18                  DR. MEYER:    WELL, THAT'S CERTAINLY MY  
19                  HOPE, THAT WE CAN ARRIVE AT A CLEAR DELINEATION AS  
20                  TO WHERE THE INTEGRATED WASTE MANAGEMENT BOARD  
21                  RESPONSIBILITY LIES AND WHERE CDFA RESPONSIBILITY  
22                  TAKES OVER.    I THINK THAT'S THE GOAL THAT WE HAVE,  
23                  AND I THINK THAT'S, WITH DISCUSSIONS THAT I'VE HAD  
24                  WITH VARIOUS MEMBERS FROM CDFA, I THINK THAT'S  
25                  THEIR GOAL ALSO.   THEY WANT TO HANDLE IT AS LONG

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1 AS IT'S IN THE AGRICULTURALLY BENEFICIAL AREA. IF  
2 IT CEASES TO GO OVER -- OR GOES OVER THAT LIMIT,  
3 THEN IT CLEARLY IS THE INTEGRATED WASTE MANAGEMENT  
4 BOARD'S RESPONSIBILITY. SO THEY'RE SEEKING THE  
5 LINE IN A LOT OF DIFFERENT WAYS OF WHERE THAT --  
6 WHERE ONE BEGINS AND ONE ENDS.

7 MR. CHANDLER: THANK YOU.

8 CHAIRMAN FRAZEE: LET'S GO NEXT TO CHUCK  
9 WHITE, WMX.

10 MR. WHITE: THANK YOU, MR. CHAIRMAN,  
11 MEMBERS OF THE COMMITTEE. I'M ALMOST AT A LOSS TO  
12 KNOW WHAT TO SAY ON THIS ISSUE. IT'S GOTTEN TO  
13 THE POINT WHERE EITHER I'M REPEATING MYSELF OR  
14 IT'S JUST NOT MAKING ANY SENSE ANYMORE, BUT I'LL  
15 MAKE A VALIANT ATTEMPT.

16 I GUESS MY SENSE IS THERE REALLY IS  
17 NOTHING WRONG IN PROCEEDING WITH THE REGULATIONS  
18 THAT YOU HAVE BEFORE US. AND ECHOING BASICALLY  
19 WHAT MR. FRAZEE SAID IS THAT THIS ACTIVITY IS  
20 GOING ON TODAY. IT'S AN ACTIVITY TODAY THAT IS  
21 REGULATED BY DEPARTMENT OF FOOD AND AGRICULTURE,  
22 AND TODAY THE WASTE BOARD DOESN'T HAVE ANY  
23 REGULATIONS AT ALL ON THIS ACTIVITY.

24 BY PROCEEDING WITH THE REVISED  
25 PACKAGE THAT YOU HAVE BEFORE YOU, AT LEAST YOU

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1 WILL HAVE BEGUN TO ESTABLISH SOME MOVEMENT TOWARDS  
2 THIS BRIGHT LINE, AND IT WILL BE A POSITIVE STEP  
3 IN THE RIGHT DIRECTION. BY DOING NOTHING, ALL YOU  
4 ARE DOING IS MAINTAINING THE STATUS QUO, AND I  
5 THINK THAT DOESN'T MAKE ANY SENSE EITHER.

6 ALTHOUGH WE DON'T WANT TO GET CAUGHT  
7 IN THIS DEBATE BETWEEN TWO STATE AGENCIES, HEAVEN  
8 FORBID, ON WHAT IS THE APPROPRIATE BRIGHT LINE, I  
9 THINK THERE CAN BE A BRIGHT LINE. IN FACT, I  
10 THINK MOST PARTIES, IF YOU LISTEN TO WHAT THEY'RE  
11 SAYING, OURSELVES, DR. MEYERS, CDFA, THEY'RE ALL  
12 SAYING IF IT'S A CDFA AGRICULTURAL ACTIVITY, IT'S  
13 MOST APPROPRIATELY REGULATED BY CDFA. IF IT'S  
14 SOMETHING THAT'S NOT THAT, THEN IT'S MORE THE  
15 PURVIEW OF THIS BOARD AS A WASTE ACTIVITY. AND  
16 WE'RE ALL MOVING TOWARDS THAT, I THINK, WITH FITS  
17 AND STARTS AND SOME DIFFICULTY, I HAVE TO SAY.

18 BUT I JUST DON'T SEE WHAT THE ISSUE  
19 IS OF DELAYING THE REGULATION PACKAGE THAT HAS --  
20 IN FACT, I'VE SEEN A VERSION THAT ALLISON HAS PUT  
21 TOGETHER. I THINK IT'S A REASONABLE PACKAGE. I  
22 THINK IT SHOULD GO OUT FOR 45-DAY PUBLIC NOTICE  
23 TO  
24 GET FURTHER COMMENTS.

IF YOU TAKE A LOOK AT THE SCHEDULE

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25                    THAT A 45-DAY PUBLIC COMMENT WOULD INVOLVE, IT

1           WOULD BASICALLY INVOLVE -- IT COULD TAKE ANOTHER  
2           45 DAYS AFTER THAT. IN FACT, CDFA HAS TOLD YOU  
3           THEY WANT YOU TO DELAY FOR 90 DAYS, BUT THEY  
4           HAVEN'T TOLD YOU WHAT'S GOING TO HAPPEN WITHIN  
5           THAT 90 DAYS. THERE'S NO PROMISE OF ANYTHING  
6           BEING DELIVERED OR ANY UNDERSTANDING BEING  
7           REACHED.

8                           IT SEEMS TO ME A MIDDLE GROUND WOULD  
9           BE TAKE THE PACKAGE THAT ALLISON HAS, PUT IT OUT  
10          FOR 45-DAY PUBLIC COMMENT, TALK TO THE CDFA AND  
11          SAY, "LISTEN. WE'RE WILLING TO DELAY IT ANOTHER  
12          45 DAYS IF AT THE END OF THIS FIRST 45 DAYS, YOU  
13          GIVE US SOMETHING THAT WE CAN HANG OUR HAT ON,  
14          THAT MAKES SENSE. BUT LACKING THAT, WE CAN AT  
15          LEAST HAVE A PACKAGE THAT'S MOVING FORWARD. IT'S  
16          GOT SOME SLIGHT REVISIONS IN RESPONSE TO COMMENTS  
17          WE HAVE MADE, OTHER PEOPLE HAVE MADE, THE  
18          DIRECTION OF THE BOARD. YOU CAN BE ABLE TO MOVE  
19          IT FORWARD. IT'S GOING THROUGH THE PUBLIC POLICY  
20          FORMULATION PROCESS. IT'S GOT A LEVEL OF  
21          LEGITIMACY, BUT IT'S NOT THE FINAL PRODUCT BY ANY  
22          MEANS, AND ALLOWS SOME OF THESE OTHER EVENTS TO  
23          UNFOLD."

24                           AND I WOULD JUST ENCOURAGE YOU TO  
25          KEEP THE PROCESS MOVING WITH THE PACKAGE THAT

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1           ALLISON HAS. IT WOULD CERTAINLY BE A STEP IN THE  
2           RIGHT DIRECTION. IDEALLY, I CAN SEE THE WASTE  
3           BOARD'S REGULATIONS SOMEWHERE DOWN THE ROAD IN THE  
4           FUTURE, I DON'T THINK IT'S GOING TO BE IN 90 DAYS  
5           OR 180 DAYS, BUT SOMEWHERE, WHEN IT COMES TO THE  
6           LAND APPLICATION OF ASH, SIMPLY HAVE A  
7           TWO-SENTENCE REFERENCE IF IT'S WITHIN THE PROGRAM  
8           ADMINISTERED BY THE DEPARTMENT OF FOOD AND  
9           AGRICULTURE, IT'S A BENEFICIAL USE, IT'S NOT A  
10          WASTE, IT'S OUT, IT'S EXCLUDED FROM OUR  
11          CONSIDERATION. THAT'S IT. THAT'S ALL YOU ARE  
12          GOING TO NEED.

13                       BUT YOU ARE NOT GOING TO BE THERE IN  
14          90 DAYS, SO YOU MIGHT AS WELL PROCEED WITH THIS  
15          IMPROVEMENT OVER THE CURRENT SITUATION THAT DOES  
16          BEGIN TO DRAW THIS BRIGHT LINE. IS IT THE BRIGHT  
17          LINE WE'RE GOING TO HAVE TWO YEARS FROM NOW OR  
18          THREE YEARS? I WOULDN'T PRETEND TO ARGUE THAT  
19          THAT IS THE CASE, BUT IT'S A MOVEMENT IN THE  
RIGHT

20          DIRECTION. IT'S A MOVEMENT TO HELP EVERYBODY  
21          FOCUS ON WHAT THE ISSUE IS AND BEGIN TO GET CDFA,  
22          GIVE THEM A MESSAGE BACK, YES, WE HEARD YOU.  
23          WE'RE NOT GOING TO GO TO A 15-DAY NOTICE AND  
ADOPT

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24                   THESE THINGS RIGHT AWAY. WE'RE GOING TO GO TO A  
25                   45-DAY NOTICE. WE'RE EVEN WILLING TO EXTEND IT

1 FOR ANOTHER 45 DAYS AFTERWARDS IF YOU GIVE US  
2 SOMETHING WE CAN HANG OUR HAT ON OF WHAT YOU PLAN  
3 ON DOING, AT LEAST A GAME PLAN OR SOMETHING THAT  
4 KIND OF LAYS THIS THING OUT WITHIN 45 DAYS.

5 IT SEEMS TO ME THAT'S KIND OF A  
6 MIDDLE OF THE ROAD APPROACH THAT WHILE NO ONE  
7 WOULD THINK WOULD BE PERFECT, I THINK IT WOULD  
8 ADDRESS THE MAJORITY OF THE PEOPLE THAT ARE  
9 COMMENTING ON THIS PACKAGE AND WOULD STILL KEEP  
10 THE BALL MOVING. BECAUSE, AS YOU INDICATED, IN  
11 PREVIOUS AGENDA ITEMS, YOU'VE GOT A LOT OF STUFF  
12 TO DO. EVERY SINGLE ISSUE IS BOLLIxed UP LIKE  
13 THIS AND, YOU KNOW, SOMEONE COMES IN AT THE LAST  
14 MINUTE AND SAYS WE WANT ANOTHER 90 DAYS, DO I GET  
15 MY 90 DAYS WHEN I DON'T LIKE WHAT I SEE IN SOME  
16 PACKAGE IN THE FUTURE? I JUST THINK WE OUGHT TO  
17 GET THE PROCESS MOVING, GIVE CONSIDERATION TO  
18 LEGITIMATE CONCERNS.

19 EVERYBODY SAYS WE WANT TO SEE CDFA  
20 TAKE THE LEAD AND BE THE RESPONSIBLE AGENCY. WE  
21 BELIEVE IT. DR. MEYERS BELIEVES IT. MOST OTHER  
22 PEOPLE BELIEVE IT, THAT IF IT'S BEING BENEFICIALLY  
23 USED, IT OUGHT TO BE WITHIN THEIR PURVIEW.

24 I'M NOT GOING TO SAY ANYTHING MORE  
25 ON THIS ISSUE, BUT I WOULD URGE YOU TO TRY TO KEEP

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1 THE BALL ROLLING AND MOVE FORWARD. AND I THINK  
2 WHAT I PROPOSED WOULD CREATE A FRAMEWORK TO ALLOW  
3 SOME CLEAR UNDERSTANDING OF WHAT IS ACTUALLY GOING  
4 TO BE DELIVERED BY CDFA AND OTHERS WITHIN A  
5 CERTAIN SPECIFIED PERIOD OF TIME. THANKS.

6 CHAIRMAN FRAZEE: THANK YOU. NOW KATHY  
7 CURRIE REPRESENTING THE BIOMASS ENERGY ALLIANCE.

8 MS. CURRIE: THANK YOU VERY MUCH. MY  
9 COMMENTS ECHO TO SOME DEGREE CHUCK'S, SO I'LL TRY  
10 TO KEEP THEM BRIEF. I HAVE THREE BASIC THINGS  
11 THAT I'M GOING TO ADDRESS. THE FIRST IS THE DFA  
12 REQUEST FOR AN EXTENSION. THE SECOND IS THE  
13 POSSIBILITY OF SEVERING THESE PACKAGES INTO TWO --  
14 THIS ONE PACKAGE INTO TWO PACKAGES. AND THE THIRD  
15 IS JUST A REAL BRIEF COMMENT IN THE PEER REVIEW  
16 PROCESS.

17 ON THE DFA REQUEST, DIFFERENT  
18 COMMITTEE MEMBERS, AS WELL AS COMMENTERS, HAVE  
19 INDICATED THAT THIS HAS DEVELOPED INTO A REAL GRAY  
20 AREA AS TO WHAT THE EXPECTATION IS OF WHAT HAPPENS  
21 AT THE END OF THIS DELAY THAT'S BEEN REQUESTED.  
22 FROM THE COMMENTS BY THE COMMITTEE, I HAVE THE  
23 SENSE THAT YOU HAVE ALREADY AGREED OR FEEL THAT  
24 YOU ARE COMMITTED TO A 90-DAY DELAY. GIVEN THAT,  
25 I THINK IT'S VERY IMPORTANT FOR YOU TO -- THAT'S A

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1           HUGE CONCESSION ON YOUR PART FOR YOU TO MAKE TO  
2           ANOTHER AGENCY AT THE END OF A RATHER LENGTHY  
3           PROCESS, AND I THINK IT'S INCUMBENT ON YOU TO TAKE  
4           CONTROL BACK OVER YOUR PROCESS AND DEFINE FOR  
5           YOURSELVES WHAT THE END POINT OBJECTIVE SHOULD BE.

6                       I WOULD PROPOSE THAT THE END POINT  
7           OBJECTIVE BE THAT YOU HAVE AT THAT 90TH DAY OR  
8           GIVE OR TAKE A FINAL RULEMAKING PROPOSAL PACKAGE  
9           IN FRONT OF YOU SO THAT YOU SHOULD TAKE THE 90-DAY  
10          PERIOD AND BACK UP AND SAY, "WHAT DO WE NEED TO DO  
11          IN ORDER TO HAVE A FINAL PACKAGE IN FRONT OF US ON  
12          THAT DATE TO ACT ON AND FORWARD TO THE FULL BOARD  
13          FOR ACTION?"

14                      IN THAT REGARD, I WOULD REQUEST THAT  
15          YOU ASK STAFF TO COME BACK TO YOU IN 30 DAYS AT  
16          THE NEXT MEETING WITH A PROPOSED SCHEDULE TO  
17          ACCOMPLISH EITHER THAT OBJECTIVE OR WHATEVER  
18          OBJECTIVE YOU THINK IS APPROPRIATE SO THAT WE ALL  
19          UNDERSTAND THE TIME FRAMES THAT WE'RE WORKING  
20          WITHIN AND THE OBJECTIVES THAT WE'RE WORKING  
21          TOWARDS.

22                      TO THAT END, I THINK THERE ARE TWO  
23          MAJOR THINGS THAT HAVE TO BE CONSIDERED, TIME  
24          FACTORS THAT HAVE TO BE CONSIDERED.   THE FIRST

IS,

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25                LIKE I SAID, THE PUBLIC COMMENT PROCESS AND THE

1 OAL PROCESS, THAT YOU ALLOW SUFFICIENT TIME AND  
2 ESTABLISH CORRECT MILE POSTS DURING THIS PROCESS  
3 SO THAT THE OAL PROCESS IS COMPLETED AT THE END  
OF  
4 THAT 90-DAY PERIOD.

5 THE SECOND IS THE CEQA PROCESS.  
YOU

6 WILL NEED IN FRONT OF YOU A SCHEDULE THAT SHOWS  
7 THAT YOU CAN, IN FACT, COMPLY WITH THAT CEQA  
8 PROCESS BY THE END OF THIS 90-DAY DELAY SO THAT  
WE  
9 DON'T REACH DAY 91 AND WE STILL DON'T HAVE A  
10 RULEMAKING PACKAGE.

11 AS TO MY SECOND POINT ON SEVERING  
12 THIS INTO TWO PROCESSES, THERE ARE SEVERAL --  
13 THERE ARE MULTIPLE USES OF ASH THAT HAVE NOTHING  
14 TO DO WITH THE LAND APPLICATION AND CDFA  
CONCERNS.

15 THOSE ARE SET FORTH IN THE DRAFT REGULATIONS IN  
16 SECTION 17376(G)(6), 17376(M) DEFINING --  
17 EXCLUDING CERTAIN THINGS FROM DISPOSAL AND  
18 DEFINING MANUFACTURING.

19 AND SINCE THOSE ARE RELATIVELY  
20 NONCONTROVERSIAL USES, THEY DON'T INVOLVE  
DEFINING

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21           THIS LINE BETWEEN WHAT'S DISPOSAL AND WHAT'S NOT  
22           DISPOSAL. I THINK THAT YOU SHOULD CONSIDER  
23           SEVERING THE PACKAGE AND ALLOWING THOSE USES TO  
GO  
24           FORWARD. A LOT OF OUR MEMBERS DO, IN FACT, USE  
25           THOSE USES, SNOW AND ICE CONTROL, ROAD BASE,

1 SEVERAL THINGS, THAT IT WOULD BE A BENEFIT TO US  
2 IF THIS PROCESS IS GOING TO START TO GET BOGGED  
3 DOWN, TO HAVE THOSE GO FORWARD AND NOT GET WRAPPED  
4 UP IN THE CDFA CONCERNS. I'D LIKE TO REQUEST THAT  
5 YOU HAVE STAFF COME BACK TO YOU IN 30 DAYS WITH  
6 THAT PROPOSAL AND CLEARLY SEPARATING OUT THOSE TWO  
7 TYPES OF USES.

8 MY THIRD POINT ON THE PEER REVIEW IS  
9 REALLY VERY MINOR. IT OCCURRED TO ME AS DR. MEYER  
10 WAS TALKING THAT I HOPE YOU HAVE CDFA INVOLVED IN  
11 THAT PEER REVIEW PROCESS. WE CERTAINLY WOULDN'T  
12 WANT TO COME TO END OF THAT AND HEAR THE SAME --  
13 RECEIVE A COMMENT LETTER FROM THEM SAYING THEY'RE  
14 GOING TO READDRESS THE ISSUE AND REQUEST  
15 ADDITIONAL DELAY.

16 SO IN SUMMARY, I JUST THINK THAT IT  
17 WOULD BE INCUMBENT ON YOU, HAVING MADE THIS  
18 CONCESSION, WHICH FRANKLY INVOLVES A LOT OF  
19 ADDITIONAL EXPENSE FOR INDUSTRY BECAUSE WE HAVE TO  
20 CONTINUE TO BE INVOLVED IN THE PROCESS, DEFINE  
21 WHAT THE END POINT IS. I'D LIKE THAT END POINT  
22 DEFINED AS BEING A FINAL RULEMAKING PACKAGE AND  
23 DIRECT STAFF TO COME BACK TO YOU WITH A SCHEDULE  
24 ON THAT. THANKS VERY MUCH.

25 CHAIRMAN FRAZEE: THANK YOU. NOW

CAROLYN

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1           BAKER REPRESENTING THE COGENERATION ASH  
COALITION.

2                   MS. BAKER:  THANK YOU, MR. CHAIRMAN AND  
3           COMMITTEE MEMBERS.  I'LL BE EXTREMELY BRIEF  
4           BECAUSE I DON'T WANT TO READDRESS THE SAME ISSUES  
5           ALREADY RAISED BY MS. CURRIE AND MR. WHITE OTHER  
6           THAN TO SAY OUR ORGANIZATION CONCURS WITH BOTH OF  
7           THEIR VIEWS, WHETHER IT'S MR. WHITE'S 45-DAY  
8           PUBLIC COMMENT OR MS. CURRIE'S 90 DAYS AND COME  
9           BACK.  I AGREE THAT IT SEEMS THAT YOU'RE INCLINED  
10          TO GO AHEAD WITH THE 90 DAYS, BUT I WOULD JUST  
11          LIKE TO STRESS THAT WE HAVE SOME SORT OF A  
12          DEFINITE TIMETABLE FOR WHAT IS TO BE ACCOMPLISHED  
13          DURING THAT PERIOD, WHETHER IT'S REPORTING BACK  
14          OR  
15          SCHEDULED MEETINGS OR SOMETHING THAT WE ARE ALL  
16          AWARE OF, KNOWLEDGEABLE ABOUT, PERIODIC REPORTS  
17          BACK TO YOU, SOMETHING SO THAT WE KNOW THAT  
18          SOMETHING WILL DEFINITELY BE ACCOMPLISHED DURING  
19          THAT 90-DAY TIME FRAME.

20                   AND THEN THE SECOND ISSUE, WE WOULD  
21          ALSO AGREE REGARDING THE BIFURCATION OF DISPOSAL  
22          ISSUES FROM ISSUES SUCH AS MANUFACTURING AND  
OTHER  
23          NONDISPOSAL USES OF ASH.  IF IT'S FEASIBLE FOR

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23                    THAT TO BE BIFURCATED, WE WOULD STRONGLY SUGGEST  
24                    THAT THAT BE DONE AND AT LEAST THAT PORTION OF IT  
25                    COULD GO FORWARD RATHER THAN BEING HELD UP.  
OTHER

1           THAN THAT, YOU'VE HEARD FROM US ENOUGH, SO THANK  
2           YOU VERY MUCH.

3                   CHAIRMAN FRAZEE:   AND THEN FINALLY JOHN  
4           BUCHANAN, REPRESENTING WHEELABRATOR TECHNOLOGIES.

5                   MR. BUCHANAN:   THANK YOU, CHAIRMAN FRAZEE  
6           AND MEMBERS OF THE COMMITTEE.   I WON'T REPEAT  
7           ALSO.   OBVIOUSLY WE AGREE WITH CHUCK'S COMMENTS ON  
8           THE MOVING FORWARD WITH THE REGULATIONS.   WE THINK  
9           THE STAFF HAS DONE A GOOD JOB ON TRYING TO COME UP  
10          WITH WORKABLE REGULATIONS THAT ALLOW BENEFICIAL  
11          REUSE AND STILL PROVIDE A REASONABLE MARGIN OF  
12          SAFETY TO THE ENVIRONMENT.   AND WE'RE MORE THAN  
13          WILLING TO WORK WITH CDFA.   WE'VE MET WITH THEM  
14          AND WE'VE ALWAYS STRESSED ALL ALONG WE WOULD BE  
15          GLAD TO WORK WITH THEM, AND WE ALWAYS THOUGHT WE  
16          WERE COMPLYING WITH CDFA RULES IN OUR ASH  
17          APPLICATIONS.

18                   I DID WANT TO COMMENT ON A COUPLE OF  
19          THINGS THAT THE LAST COUPLE OF MEETINGS, YOU KNOW,  
20          ONE OF THE THINGS THAT SEEMS TO HAPPEN IN ASH, YOU  
21          KNOW, THIS IS NOT SOMETHING THAT WE'RE TALKING  
22          ABOUT HOW DO WE DEAL WITH WHEN IT HAPPENS.   IT'S  
23          SOMETHING THAT'S BEEN GOING ON IN CALIFORNIA AND  
24          AROUND THE COUNTRY AND AROUND THE WORLD FOR YEARS.  
25          AND AS WAS STATED BY MR. O'RULLIAN, EVEN A CENTURY

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1           ON SOME TYPES OF ASH.  AND PARTICULARLY HE LISTED  
2           SOME OTHER STATES WHERE ASH APPLICATIONS OCCUR AND  
3           THE REGULATIONS THAT OCCUR IN THOSE STATES.  AND  
4           ALTHOUGH I HAVEN'T VISITED EVERY ONE OF THE STATES  
5           HE'S TALKED ABOUT, IN MY POSITION AS ENVIRONMENTAL  
6           COMPLIANCE DIRECTOR FOR WHEELABRATOR, I HAVE DONE  
7           ENVIRONMENTAL AUDITS IN PENNSYLVANIA, MAINE, AND  
8           FLORIDA AT OUR FACILITIES THERE.  AND YOU KNOW, I  
9           CAN TELL YOU FIRSTHAND THAT PENNSYLVANIA, YOU  
10          KNOW, IT'S REGULATED UNDER THE DEPARTMENT OF  
11          ENVIRONMENTAL PROTECTION -- THAT'S WHAT THEY CALL  
12          THEIR CENTRALIZED AGENCY -- AND THE BUREAU OF  
13          MINING AND RECLAMATION BECAUSE ALL OF THE ASH IN  
14          PENNSYLVANIA IS USED FOR RECLAIMING OLD STRIP  
15          MINES.  YOU KNOW, AND THE REGULATIONS AND THE  
16          REQUIREMENTS ON THEM ARE ACTUALLY LESS THAN WHAT  
17          ARE BEING PROPOSED HERE TODAY.

18                       THE DRAFT REGULATIONS WILL HAVE MORE  
19          ONEROUS REQUIREMENTS THAN WHAT HE IS STATING WE'RE  
20          IGNORING IN OTHER STATES.  THE LAND RECLAMATION IN  
21          PENNSYLVANIA APPLIES ASH 80 TO A HUNDRED FEET  
22          THICK IN THESE STRIP MINES.  AND U.S. EPA HAS JUST  
23          RECENTLY EVALUATED THEIR ENTIRE ASH PROGRAM AND  
24          GAVE THEM COMPLIMENTARY REMARKS ON BOTH THE  
25          REGULATORY PROCESS THEY'RE USING AND THE TYPES OF

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1 APPLICATION.

2 SO YOU KNOW, IF WE ARE GOING TO TALK  
3 ABOUT OTHER STATES, WE SHOULD BE REALISTIC. AND  
4 MAINE IS THE SAME WAY. IT'S USED EXTENSIVELY IN  
5 AGRICULTURE IN MAINE BECAUSE OF THEIR LOW PH.  
6 SOILS. AND I VISITED BOTH THE PLANT AND LAND  
7 APPLICATION SITES, AND IT'S VERY SIMILAR TO WHAT  
8 YOU SAW YOURSELF ON YOUR TRIP TO NORTHERN  
9 CALIFORNIA.

10 WE KEEP BRINGING UP OTHER ISSUES  
11 WITH ASH. WE TALK ABOUT BIOSOLIDS; WE TALK ABOUT  
12 TIRES; WE TALK ABOUT VERMICULTURE. AND YOU KNOW,  
13 WE KEEP CHANGING THE SUBJECT; WE KEEP TALKING  
14 ABOUT EVERY LITTLE CATASTROPHE THAT COULD HAPPEN.  
15 WE TALK ABOUT 20 TRUCKS OF BIOSOLIDS DOWN IN KERN  
16 COUNTY AND HOW ARE WE GOING TO DEAL WITH MUD ON  
17 THE HIGHWAY. WELL, LET'S PUT IT IN PERSPECTIVE.  
18 UP IN SHASTA COUNTY WE OPERATE THE LARGEST

BIOMASS

19 PLANT IN THE STATE. THAT MEANS WE GENERATE

THE

20 LARGEST AMOUNT OF FLY ASH ON EVERY SINGLE DAY

OF

21 THE YEAR. WE GENERATE THREE TRUCKS OF FLY

ASH A

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22 DAY. I MEAN THE LARGEST PLANT IN THE STATE  
ONLY

23 GENERATES THREE. YOU KNOW, THERE'S NOBODY IN  
THIS

24 STATE THAT GENERATES 20 TRUCKS EVERY DAY  
GOING OUT

25 TO A FARM FIELD. WE KEEP PAINTING THIS  
PICTURE AS

1 IF THESE FARMS ARE GOING TO BE HANDLED LIKE A  
2 TRANSFER STATION WITH 50 TO A HUNDRED TRUCKS  
3 COMING IN WITH TRASH. THAT'S NOT WHAT HAPPENS.  
4 YOU KNOW, IN MOST CASES YOU WILL BE LUCKY TO SEND  
5 ALL THREE OF YOUR TRUCKS TO THE SAME FARMER. SOME  
6 DAYS YOU DON'T EVEN GENERATE THAT.

7 WE TALKED ABOUT STOCKPILING AGAIN.  
8 AND I THINK IT WAS OBVIOUS THE FIELD TRIP THAT  
9 MOST OF THESE PLANTS -- AGAIN, I CAN'T SPEAK FOR  
10 EVERY ONE OF THEM -- BUT MOST OF THE PLANTS  
11 ALREADY HAVE PERMIT REQUIREMENTS MANDATED BY THEIR  
12 AIR PERMITS, REGULATED BY THEIR AIR DISTRICTS,  
13 WHICH REQUIRE COVERING OF THE TRUCKS WHEN THEY'RE  
14 TRANSPORTED, WETTING OF THE MATERIAL WHEN IT'S  
15 LOADED INTO THE TRUCK. SO I MEAN THERE HAVE  
16 ALREADY BEEN ISSUES OF DUST ADDRESSED BY OTHER  
17 AGENCIES WITHIN THE STATE.

18 THE ISSUES OF DIOXINS, PHENOLS, AND  
19 WE START BRINGING IN ALL THESE OTHER THINGS TO  
20 CONSIDER. IN THE WORKSHOP THAT WAS HELD, WHEN

THE

21 ISSUE OF DIOXINS CAME UP, DR. MEYER SAID, WELL,  
22 IN  
23 WOOD ASH YOU REALLY SHOULDN'T RUN INTO EVER A  
PROBLEM WITH DIOXIN. DIOXIN IS ONE THAT THEY

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TEND

24 TO FIND IN MED WASTE AND IN SOME MSW PLANTS, AND

A

25 LOT OF IT IS DUE TO CHLORINATED MATERIALS. YOU

1 DON'T HAVE CHLORIDE PLASTIC SITTING IN WOOD WASTE  
2 OR IN COAL.

3 AGAIN, WE'RE TOSSING OUT THESE  
4 THINGS THAT ARE NOT REAL PROBLEMS. I MEAN IT'S  
5 ALMOST ABSURD AS SAYING THAT IF WE START MIXING  
6 ASH, WE'RE GOING TO GET GUN POWDER, WHICH WAS  
7 STATED AT THE LAST MEETING. I MEAN, YOU KNOW, WE  
8 CAN MAKE UP EVERY SORT OF SCENARIO, BUT WE'VE GOT  
9 TO START DEALING WITH REALITY OUT THERE. I MEAN I  
10 THINK THE STAFF HAS WORKED VERY HARD TO TRY AND  
11 COME UP WITH WORKABLE REGULATIONS THAT PROVIDE  
12 ADEQUATE MEASURES OF SAFETY THAT PROVIDE GUIDANCE  
13 FOR THE WASTE BOARD AND FOR LEA'S. WHAT WE'RE  
14 DOING HERE IS WAY AHEAD OF MOST OTHER STATES,  
15 WHICH IS TYPICAL FOR CALIFORNIA. WE WILL HAVE  
16 PROBABLY MORE ONEROUS REGULATIONS IN EVERY  
17 CATEGORY THAN IN OTHER STATES. I HAVE YET TO GO  
18 TO A STATE THAT SAYS, "YOU GUYS ARE LACKING OUT  
19 THERE." I MEAN I'VE WORKED IN OTHER STATES TOO,  
20 AND THAT'S NEVER BEEN THE CASE.

21 ON THE AG PROFESSIONAL, YOU KNOW,  
22 THE STAFF HAS TRIED TO TIGHTEN UP THE LANGUAGE.  
23 AND I THINK, AGAIN, WE HAD THIS CONCERN THAT WAS  
24 MADE AT THE MEETINGS THAT WE'RE GOING TO GET SOME  
25 ILLITERATE MIGRANT WORKER TRYING QUALIFY HIMSELF

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1 AS AN AG PROFESSIONAL. I THINK SOME OF THESE  
2 FARMERS LIKE CHUCK CRANE, WHO YOU MET, WOULD TAKE  
3 OFFENSE AT BEING CALLED THAT. I MEAN THE GUY IS  
4 EXTREMELY KNOWLEDGEABLE, EXTREMELY SKILLED IN HIS  
5 PROFESSION.

6 THEY'VE ADDED LANGUAGE IN THERE, I  
7 THINK, WHICH DEFINES THAT THIS IS NOT YOUR AVERAGE  
8 FARMER. IF IT IS A FARMER, IT'S ONE WHO HAS  
9 BEEN -- RUNS A PRETTY MAJOR OPERATION AND HAS BEEN  
10 INVOLVED IN TESTING AND INVOLVED IN ANALYSIS. AND  
11 I MEAN I'M AN ENGINEER. I WORKED FOR MAJOR  
12 COMPANIES AS AN ENGINEER. I DID NOT GET MY PE  
13 ONLY BECAUSE COMPANIES CAN DO THEIR OWN  
14 ENGINEERING WORK WITHOUT BEING A PE. IT'S IN ONLY  
15 GOVERNMENT DO WE REQUIRE A PE STAMP TO DO  
16 CONSTRUCTION WORK.

17 WHEN I WORKED FOR CHEVRON, THEY  
18 SAID, "GREAT. WE'LL LET YOU GO BUILD ANYTHING YOU  
19 WANT. \$150 MILLION PLANT, WE'RE NOT GOING TO  
20 REQUIRE YOU TO BE A PE." WE CAN STICK THAT ON  
21 THERE IF IT MAKES EVERYBODY FEEL WARM AND COZY,  
22 BUT I THINK THE STAFF HAS TRIED TO DEFINE A LEVEL  
23 OF EXPERTISE THAT WILL KEEP IT TO WHERE IT'S

BEING

24 HANDLED PROPERLY.

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25

AND LASTLY, ON THE PEER REVIEW

1           PROCESS, YOU KNOW, WHEN WE HAD DISCUSSED THIS  
2           ABOUT A MONTH AND A HALF AGO, THE IDEA OF A  
3           SCIENTIFIC PEER REVIEW WAS TO GO OUT TO THE  
4           SCIENTIFIC COMMUNITY AND FIND PEERS OF DR. MEYER.  
5           I MEAN I'M ON THE LIST TO COMMENT, AND I  
6           APPRECIATE THAT. BUT EVEN THOUGH I PROBABLY HAVE  
7           MORE FIRSTHAND EXPERIENCE WITH ASH AND KNOWLEDGE  
8           OF IT THAN THREE-QUARTERS OF THAT LIST, I  
9           PERSONALLY DON'T CONSIDER MYSELF TO BE A PEER WITH  
10          DR. MEYER. I CONSIDER HIS SCIENTIFIC EXPERTISE  
11          WELL ABOVE MINE IN THE ISSUE OF SELENIUM AND  
12          MOLYBDENUM.

13                       AND I THINK IF WE'RE GOING TO HAVE A  
14          SCIENTIFIC PEER REVIEW, IT SHOULD HAVE GONE OUT TO  
15          THE SCIENTIFIC COMMUNITY, TO UNIVERSITIES, TO  
16          THOSE AGRICULTURAL DEPARTMENTS WHERE THEY HAVE  
17          DONE ACTUAL DETAILED STUDIES OF MOLYBDENUM AND  
18          SELENIUM CONCENTRATIONS AND THE TOXICITY EFFECTS  
19          AND NOT GONE OUT FOR ESSENTIALLY ALMOST A PUBLIC  
20          COMMENT. YOU KNOW, I THINK IT DEFEATS WHAT WE'RE  
21          TRYING TO ACCOMPLISH HERE. WE'RE TRYING TO FIND  
22          OUT IF THERE'S A SCIENTIFICALLY BASED CONCERN ON  
23          THE MOLYBDENUM AND SELENIUM IN ALL SOIL TYPES  
24          REGARDLESS OF WHETHER IT BE LOW PH. SOIL IN  
25          NORTHERN CALIFORNIA, WHICH RUNS FOUR TO FIVE PH.

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1           AND EVEN AFTER ASH APPLICATION IS ACIDIC, IS THAT  
2           STILL GOING TO HAVE THE SAME CONCERN AS A HIGH PH.  
3           SOIL ENVIRONMENT SUCH AS IN KERN COUNTY.

4                        SO I WOULD ASK YOU TO CONSIDER THE  
5           COMMENTS WHEN THEY DO COME IN FROM THIS PEER  
6           REVIEW BECAUSE I DON'T KNOW IF IT WAS TRULY SET UP  
7           AND IMPLEMENTED IN A WAY THAT WAS, I THINK,  
8           INTENDED BY THE BOARD, WHICH WAS A SCIENTIFIC PEER  
9           REVIEW TO GET SCIENTIFIC DATA FROM DR. MEYERS'  
10          PEERS.  AND I WISH I WAS HIS PEER, BUT I'M NOT.

11                       SO THAT'S THE LAST OF MY COMMENTS.  
12          I DO APPRECIATE THE WORK STAFF HAS DONE.  I THINK  
13          THEY'VE DONE AN EXCELLENT JOB ON THESE  
14          REGULATIONS.  THEY ARE VERY COMPLICATED, AND I  
15          THINK THEY WILL WORK, AND I THINK, YOU KNOW, WE'LL  
16          BE ABLE TO WORK WITH FOOD AND AG JUST AS WELL WITH  
17          THEM BECAUSE I THINK THEY WANT TO SEE IT WORK IN  
18          THE AGRICULTURAL COMMUNITY AS WELL.

19                       CHAIRMAN FRAZEE:  THANK YOU.  THAT  
20          COMPLETES ALL OF OUR LIST OF COMMENTERS.

21                       MS. CURRIE:  I APOLOGIZE, MR. FRAZEE, IF  
22          I COULD JUST RAISE ONE POINT THAT I FORGOT TO  
23          RAISE IN MY COMMENTS.  AND THAT IS I'D LIKE SOME  
24          CLARIFICATION ON EXACTLY WHAT THE RULEMAKING  
25          PACKAGE IS THAT EVERYBODY IS GOING TO BE LOOKING

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1 AT DURING THIS 90-DAY PERIOD. THERE HAVE BEEN  
2 SEVERAL. THERE'S THE OCTOBER VERSION, THE  
3 DECEMBER 11TH VERSION, THE DECEMBER 18TH VERSION,  
4 SO I'D LIKE TO KNOW WHICH IT IS THAT YOU ARE GOING  
5 TO WITH -- THAT FOOD AND AG WILL BE LOOKING AT AND  
6 WHICH ONE WE SHOULD BE ADDRESSING. I ASSUME IT'S  
7 THE DECEMBER 18TH.

8 CHAIRMAN FRAZEE: THAT'S MY  
9 UNDERSTANDING, THE DECEMBER 18TH VERSION.

10 MS. RICE: THAT'S CORRECT, THE MOST  
11 RECENT VERSION.

12 CHAIRMAN FRAZEE: OKAY. WE HAVE HEARD  
13 FROM EVERYONE ON THIS ISSUE. DISPOSITION OF IT AS  
14 A COMMITTEE. WE'RE MISSING SOMEONE. WHILE WE'RE  
15 WAITING FOR HIM TO COME BACK, JUST A COUPLE OF  
16 ADDITIONAL COMMENTS.

17 ON THE CERTIFIED EXPERT ISSUE,  
18 REFERENCE WAS MADE EARLIER ON AN EARLIER ITEM  
19 ABOUT GEOLOGISTS AND ENGINEERS. AND I THINK  
20 THAT'S A DIFFICULTY WE HAVE HERE BECAUSE THERE'S  
21 NOT THAT KIND OF STATE LICENSING FOR AGRICULTURAL  
22 EXPERTS THAT YOU CAN PUT YOUR FINGER ON. SO A  
23 CERTIFIED EXPERT IN THIS AREA IS IN THE EYES OF  
24 THE BEHOLDER AND NOT NECESSARILY BY SOME STATE  
25 CERTIFICATION OR LICENSE. AND FOR US TO PRETEND

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1 TO SET THE PARAMETERS OR WHAT THE AREA OF  
2 EXPERTISE IS, I THINK, IS A DIFFICULT TASK. I  
3 HOPE SOMEONE HAS A BETTER ANSWER.

4 WE HAD SOME DISCUSSION OF WHAT GOES  
5 ON IN OTHER STATES. AND I WAS INTERESTED TO HEAR  
6 ABOUT PENNSYLVANIA FROM THE STANDPOINT. I THINK  
7 MR. BUCHANAN INDICATED THAT THERE WAS NOT  
8 AGRICULTURAL LAND APPLICATION, BUT I AM AWARE THAT  
9 THE STATE OF PENNSYLVANIA HAS A RATHER EXTENSIVE  
10 BOTH STATUTORY AND REGULATORY SCHEME ON THE  
11 APPLICATION OF ANY MATERIAL TO LAND, INCLUDING  
12 MANURES AND A WHOLE RANGE OF THINGS IN WHICH THAT  
13 IS HANDLED. AND AT THIS POINT I DON'T THINK  
14 CALIFORNIA HAS THAT EXTENSIVE OF A REGULATORY  
15 STRUCTURE THAT SOME OF THE STATES DO HAVE. AND I  
16 THINK, AGAIN, THAT'S THE RESPONSIBILITY OF THE  
17 DEPARTMENT OF FOOD AND AGRICULTURE. IF THEY WANT  
18 TO GO DOWN THAT PATH AND DO THAT THROUGH THE  
19 STATUTORY PROCESS, THEN THAT'S NOT MY PROBLEM AS A  
20 MEMBER OF THE WASTE BOARD AT THIS POINT.

21 ANY OTHER COMMENT? I GUESS THE  
22 MOTION, THAT I'LL RECOMMEND, WOULD BE TO PUT IT ON  
23 HOLD FOR 90 DAYS, CONTINUE TO WORK WITH THE  
24 DEPARTMENT OF FOOD AND AGRICULTURE TO ACHIEVE SOME  
25 CONSENSUS ON THE DIVISION OF AUTHORITY ON THIS

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1           ISSUE.

2                   MEMBER PENNINGTON:   DO YOU WANT ME TO  
3           MAKE THAT MOTION?

4                   CHAIRMAN FRAZEE:   YES.

5                   MEMBER PENNINGTON:   MR. CHAIRMAN, I'LL  
6           MOVE THAT WE PUT THIS ON HOLD FOR 90 DAYS WHILE WE  
7           WORK WITH THE DEPARTMENT OF FOOD AND AG TO ACHIEVE  
8           THEIR GOALS AS WELL AS OURS, AND THAT WE BE  
9           PREPARED TO MOVE FORWARD IN 90 DAYS.

10                   MEMBER RELIS:   I'LL SUPPORT IT.   I  
11           WOULD -- OR SECOND THAT.   I WOULD JUST LIKE TO  
12           KNOW ARE WE STILL GOING TO GO AHEAD WITH THE  
13           LETTER WITH THAT IDEA OF INDICATING THAT WE ARE  
14           EXPECTING AN OUTCOME AND THAT --

15                   MR. CHANDLER:   I HAVE THREE AREAS THAT  
16           I'D LIKE SOME CLARIFICATION ON.   THAT'S THE FIRST  
17           ONE.   MR. FRAZEE INDICATED THAT PERHAPS A LETTER  
18           SHOULD BE FORTHCOMING.   DO YOU WANT THAT COMING  
19           FROM THE CHAIR'S OFFICE?   WOULD YOU LIKE IT COMING  
20           FROM MY OFFICE?   AND IS THERE ANYTHING SPECIFIC  
21           THAT YOU'D LIKE TO SEE IN THAT LETTER BESIDES THE  
22           OBVIOUS OF WHAT CAN WE EXPECT TO BE ACCOMPLISHED  
23           WITHIN THIS 90 DAYS?

24                   MEMBER PENNINGTON:   IT WOULD BE MY  
25           RECOMMENDATION THAT IT EITHER COME FROM MY OFFICE

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1 OR YOUR OFFICE.

2 CHAIRMAN FRAZEE: APPROPRIATE FROM THE  
3 CHAIR.

4 MR. CHANDLER: OKAY. SECOND AREA WAS I  
5 THINK WE HAD THE SUGGESTION THAT WE MIGHT WANT TO  
6 MOVE FORWARD ON AT LEAST DEALING WITH THE CEQA  
7 ASPECT. WOULD YOU LIKE TO SEE ANY MOVEMENT ON  
8 CEQA? THE IDEA THERE BEING THAT AT THE END OF 90  
9 DAYS, IF WE HAVE SOMETHING THAT WE CAN MOVE  
10 FORWARD, WE'D HAVE THAT OUT OF THE WAY.

11 CHAIRMAN FRAZEE: YES.

12 MR. CHANDLER: I SEE SOME MERIT TO THAT.  
13 BIFURCATION, DO YOU WANT US TO BEGIN WORKING ON  
14 BIFURCATING THE PACKAGE IN ANY WAY? IT WAS AN  
15 ATTEMPT TO --

16 CHAIRMAN FRAZEE: FURTHER DOWN THAN WHAT  
17 IT IS NOW?

18 MR. CHANDLER: CORRECT.

19 CHAIRMAN FRAZEE: AND THE ISSUE WAS  
20 RAISED ABOUT THOSE OTHER NONCONTROVERSIAL USES.  
21 SO I GUESS THIS IS THE FIRST TIME THAT I'VE HEARD  
22 THIS OR AT LEAST SEPARATED IN MY MIND IN THREE  
23 CATEGORIES RATHER THAN IN TWO. BUT THERE'S THE  
24 ONE THAT SORT OF EXCLUDES ALL OTHER USES.  
25 FROM MY OWN PART, I DON'T SEE THE

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1           NEED TO DO THAT. I CAN APPRECIATE THE PRODUCERS  
2           WOULD LIKE TO SEE THAT BECAUSE THEY LIKE THE  
3           COMFORT LEVEL OF GETTING THOSE THINGS BEHIND THEM,  
4           BUT TO ME IT JUST CREATES ANOTHER HURDLE.

5                   MEMBER PENNINGTON: MAYBE WHAT YOU COULD  
6           DO IS AT THE NEXT COMMITTEE MEETING HAVE A REPORT  
7           BACK AND SEE HOW THINGS ARE GOING WITH CDFA AND  
8           THEN DECIDE WHETHER -- YOU'VE GOT 60 DAYS THERE.  
9           AND YOU KNOW, I APPRECIATE WHAT YOU ARE SAYING. I  
10          APPRECIATE WHAT THEY'RE SAYING TOO. BUT IF FOOD  
11          AND AG DOES COME FORTH AND STARTS TO REALLY GET  
12          INTO THIS THING, WE MIGHT HAVE MORE SUCCESS. THAT  
13          WOULD BE MY RECOMMENDATION.

14                   CHAIRMAN FRAZEE: BUT THE FACT IS THAT  
15          THOSE ACTIVITIES BY DEFAULT ARE EXCLUDED ANYWAY.  
16          THE BENEFIT OF DOING IT SOONER IS THE COMFORT  
17          LEVEL THAT IT GIVES THE PRODUCERS OF KNOWING BY  
18          STATUTE RATHER THAN BY DEFAULT THEY'RE EXCLUDED.

19                   MR. CHANDLER: SO MY INFERENCE WITH WHAT  
20          MR. PENNINGTON JUST INDICATED, IT SOUNDS LIKE WE  
21          SHOULD, WITH REGARD TO MY LAST AREA, HOW  
22          FREQUENTLY WOULD YOU LIKE TO SEE STATUS REPORTS  
23          COME FORWARD? PERHAPS AT EVERY COMMITTEE MEETING  
24          WE SHOULD AT LEAST GIVE A VERBAL UPDATE ON THE  
25          STATUS OF ANY MEETINGS AND CHARACTERIZE WHETHER

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1 WE'RE AT A JUNCTURE WHERE MAYBE WE REVISIT THIS  
2 ISSUE OF BIFURCATION, BUT AT THIS POINT WE WON'T  
3 DEAL WITH ANYTHING BUT THE DECEMBER 18TH VERSION  
4 OF THE REGS AS DRAFTED.

5 CHAIRMAN FRAZEE: THAT'S RIGHT.

6 MR. CHANDLER: AND WORK ON WITH MR.  
7 PENNINGTON'S STAFF A LETTER POSTHASTE THAT WOULD  
8 GO TO MR. YATES, ACKNOWLEDGING THEIR DECEMBER  
20TH  
9 LETTER AND ASKING FOR MORE CLARITY ON WHAT WE CAN  
10 EXPECT IN THE INTERVENING PERIOD.

11 CHAIRMAN FRAZEE: I THINK AT EVERY  
12 JUNCTURE IT OUGHT TO BE OUR POSTURE FROM HERE ON  
13 THAT WE CAN'T WAIT FOR SIX MONTHS OR TWO YEARS OR  
14 WHATEVER FOR US TO TAKE THIS ACTION. NINETY DAYS  
15 IS THE AGREED UPON. I'M ONLY DOING THAT BECAUSE  
16 IT CAME TO US AT THE LAST MINUTE.

17 MR. CHANDLER: RIGHT. OKAY.

18 MEMBER PENNINGTON: I AGREE WITH THESE  
19 FOLKS, THAT AT THE END OF THE 90-DAY PERIOD, WE  
20 OUGHT TO BE IN A SITUATION, PARTICULARLY AFTER 30  
21 DAYS, WE DON'T SEE A WHOLE LOT OF MOTION GOING ON  
22 THERE, THAT WE OUGHT TO BE READY AT THE END OF

THE

23 90 DAYS TO START TO MOVE OUR STUFF AND GET OUT  
FOR

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24                   OUR COMMENT PERIOD AND GET ON WITH IT.  
25                   MR. CHANDLER:   OKAY.   VERY GOOD.   I'M

1 CLEAR.

2 CHAIRMAN FRAZEE: IS THAT SUFFICIENT  
3 DIRECTION?

4 MR. CHANDLER: I'M FINE.

5 CHAIRMAN FRAZEE: WE DIDN'T TAKE A VOTE  
6 ON THE MOTION. WE HAD A MOTION AND SECOND ON THE  
7 90-DAY DELAY ON FURTHER ACTION ON THIS ITEM. SO  
8 SECRETARY WILL CALL THE ROLL ON THAT.

9 THE SECRETARY: BOARD MEMBER PENNINGTON.

10 MEMBER PENNINGTON: AYE.

11 THE SECRETARY: BOARD MEMBER RELIS.

12 MEMBER RELIS: AYE.

13 THE SECRETARY: CHAIRMAN FRAZEE.

14 CHAIRMAN PENNINGTON: AYE. THAT'S

15 CARRIED.

16 NOW, IS THERE ANYTHING ELSE TO COME  
17 BEFORE THE COMMITTEE?

18 MEMBER PENNINGTON: I'D JUST LIKE TO SAY,  
19 MR. CHAIRMAN, THAT I'M GOING TO BE GOING OFF THE  
20 P&E COMMITTEE, I'M GLAD TO LET STEVE DEAL WITH  
21 MOLYBDENUM AND SELENIUM, WHO SOUND LIKE BAD DATES  
22 OR SOMETHING. IT'S BEEN FUN TO BE ON THE  
23 COMMITTEE WITH YOU AND PAUL, AND I'LL BE GLAD TO  
24 TAKE THESE ISSUES UP AT THE BOARD LEVEL NOW.

25 CHAIRMAN FRAZEE: HOPE WE RESOLVE THEM

Please note: These transcripts are not individually reviewed and approved for accuracy.

1           BEFORE THEY GET TO THE BOARD.

2                   MEMBER PENNINGTON:   THAT'S WHAT I'M  
3           HOPING.

4                   CHAIRMAN FRAZEE:   YOU CAN ALSO TAKE THEM  
5           UP WITH THE FOLKS DOWNTOWN.   IF THERE'S NOTHING  
ELSE TO COME BEFORE THE COMMITTEE, WE WILL BE --  
STAND ADJOURNED.

(END OF PROCEEDINGS AT 4:50 P.M.)

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